

























# University of Texas Bulletin

No. 1757: October 10, 1917

## A SOURCE BOOK

RELATING TO THE

**HISTORY OF THE UNIVERSITY OF TEXAS:**

**LEGISLATIVE, LEGAL, BIBLIOGRAPHICAL, AND STATISTICAL**

Compiled by

**H. Y. BENEDICT**



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AUSTIN, TEXAS

The benefits of education and of useful knowledge, generally diffused through a community, are essential to the preservation of a free government.

Sam Houston

Cultivated mind is the guardian genius of democracy. . . . It is the only dictator that freemen acknowledge and the only security that freemen desire.

Mirabeau B. Lamar

LD

5333

B4

To the Memory

of

"THE OLD ALCALDE"

**Oran Milo Roberts**

Professor of Law, 1883-1893

Great as a Governor; greater as a Chief Justice;  
who, more than any other man, became

**Founder**

of the

**University of Texas**

Because he acted upon the belief that "Every great State should rear its own men in every stature of manhood, of intelligence and of culture, according to their capabilities, upon its own soil, and thereby engender and preserve an intense homogeneousness in the character of its population, which must result in the concentrated power and elevated prosperity of the whole body politic in association. This full result can be attained only by promoting all of the grades of education, from the lowest to the highest, in harmonious co-operation adapted to the diversified wants of every class of people, whatever may be their pursuits in life. Nor will the benefits of the University and its branches be confined to the sons of the wealthy few. By no means will that be so. Place the facilities of a higher education before the people of this State, make it a reality, make it complete and cheap by a splendid endowment, and youths all over this broad land, who catch the inspiration of high talent in our common schools, will, if necessary, struggle up through poverty, and through adversity, by labor and by perseverance, until they will stand in the front ranks of the most gifted and favored in the halls of learning, and afterwards will adorn every sphere of life, with their brilliant accomplishments and practical usefulness. So it has been in other countries and so it will be here."



. . . . The merit of its establishment is not due to any one man, nor even to any one hundred men. It is due to a great number of citizens who, during a period of more than forty years contributed their efforts for it—each one of them at the time acting according to the opportunity afforded him. . . . In a democratic Republic, no one man can accomplish any great measure of government. He may start or revive the movement for it, or strongly advocate it, or lead in the steps for it; still, there must be a public opinion actively demanding it, and those who are in authoritative control of the government must co-operate in its final consummation. If all that each person did, in his appropriate sphere of action, could be ascertained and stated, it would doubtless fill an ordinary-sized volume.

I happened to be placed in a position in which it became my duty to direct the course of public affairs in the administration of the State government as best I could, and being strongly impressed with the public necessity for a University, I simply endeavored to have created throughout the State a public opinion, pressing for it, by enlisting the efforts and influence of the teachers, and through them, the people generally interested in education, and presented the subject before the Legislature.—A History of the Establishment of the University of the State of Texas, by Governor Oran M. Roberts, in the Quarterly of the Texas State Historical Association, Vol. 1.

## PREFACE

"There are many other documents which I thought necessary to be inserted in the Journals, . . . which documents I have searched diligently for and have spared no reasonable exertion to obtain possession of—they are gone—out of reach—cannot be found—and are probably extinct. In consequence the journals will appear in some parts imperfect."—N. C. Raymond, Secretary of the Senate of the Second Legislature, on page 349 of the Journal of the Senate of the First Legislature.

This Source Book is a preliminary result of an effort to write a History of the University of Texas. The records of Texas, both in manuscript and in print, are not in all cases easy of access, fully indexed, or conveniently arranged. So much trouble as a consequence was encountered in searching out the relevant material in the Capitol and in the University that it has been thought worth while to collect what has been found into a single Bulletin.

Printed material exclusive of that in newspapers has alone been included, except in a few cases where manuscript and newspaper references were essential to completeness. Perhaps later a bulletin containing selections from manuscripts will be issued.

Short of reading the volumes page by page, an effort has been made to extract all the references to the University from the House and Senate Journals and from the General Laws. Certain other sources, which may fairly be regarded as primary and which are sufficiently indicated in the Table of Contents, are included. To reprint in this volume such primary sources as the Reports of the Regents and of the Faculty is not possible, and is not altogether desirable, because the financial and statistical portions of these Reports have been collected, studied, corrected, abbreviated, and set forth in a set of tables, I to XXVI, to be found on pages 806 to 837.

Laws affecting the University only in a very general way, such as laws relating to fire-escapes, masonry construction, etc., have been omitted. Except in the earlier years, matter relating to the lower schools and to education in general has been omitted. Material dealing with the Agricultural and Mechanical College, or with the Normals or with the College of Industrial Arts, has been omitted unless the University is explicitly mentioned in connection with these other schools. Land laws, numerous and often lengthy, occupy too large a space, because it was difficult, almost impossible, to disentangle legislation relating to the University lands from that relating to the other public lands. Land laws not having had, and not likely to have much application to the University lands have been much abbreviated. Enacting clauses have been frequently, emergency clauses nearly always, omitted.

In the Bibliography, no reference is made to manuscripts or to articles in newspapers and student publications, or to the lessor and

current notes in the Record and Alcalde. Articles by members of the Faculty or Ex-Students on matters not relevant to the University are not listed.

The punctuation and spelling of the originals have been pretty closely followed. Errors obviously of the printer have in some cases been corrected. Down to the Eighth Legislature, all extracts found have been quoted in full. Thereafter page references are used in following bills through their legislative channels.

Miss Eva McDonald has tyewritten all of the material, helped to read the proof sheets, and constantly assisted in many other ways. Without her help, this Bulletin would have been practically impossible. Encouragement and help have been generously forthcoming from Mr. E. W. Winkler. Professor Eby has furnished some extracts that would otherwise have been overlooked. Miss Mary Emma Goff and Miss Martha Maud Smith of the University Library have been of much assistance in preparing the Bibliography. Additional help has come from various other colleagues and State officials.

Completeness has been sought, but has certainly not been attained, although every discovered trail has been followed. This Source Book, large as it is, almost certainly must lack some undiscovered references essential to its perfection. The manuscript records in the Office of the Secretary of State and the account books of the Comptroller have been frequently consulted. The spare time of two years has been spent at what would have been a very pleasant task had it not been so difficult to attain completeness. Many hours have been consumed, sometimes without success, in efforts to secure or verify references. Minor omissions and errors doubtless are numerous; major defects, it is hoped, are few.

The compiler, as ignorant of economics as of history, has worked on this Source Book until the law of diminishing returns was obviously in full operation. Accordingly, the compilation is now committed to the press in the faint hope that the generous blindness of those who consult it will henceforth conceal most of its imperfections.

H. Y. B.

University of Texas, Sept. 1, 1918.



## ABBREVIATIONS

The abbreviations used are in most cases self explanatory. H. J. and H. B. stand for House Journal and House Bill, respectively; S. J. and S. B. for Senate Journal and Senate Bill. H. J. R., S. J. R., H. C. R., S. C. R., stand for House or Senate Joint or Concurrent Resolution. S. H. B. and S. S. B. are used occasionally for Substitute House and Senate Bill, respectively. F. C. C. is sometimes used for Free Conference Committee, S. G. A. for the State Gazette Appendix. G. refers to the well known Gammel's Laws of Texas and Lane to John J. Lane's History of the University of Texas, 1891.

The following Journals have not been seen:

Senate Journal, Adjourned Session, Second Congress.

House and Senate Journals, Fourth Congress.

House Journal, Sixth Congress.

Senate Journal, Extra Session, Ninth Congress.

Senate Journal, Called Session, Fourth Legislature.

House Journal, Regular Session, Ninth Legislature.

House Journal, Extra Session, Ninth Legislature.

House Journal, Regular Session, Tenth Legislature.

House and Senate Journals, Extra Sessions, Tenth Legislature.

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## LEGISLATIVE SOURCES

### CONSTITUCION DE COAHUILA Y TEXAS, 1827

Laws and Decrees of State of Coahuila and Texas, pp. 341-342;  
G. I. 451-452:

#### Titulo VI, Section Unica. De la Instruccion Publica

Art. 215. En todos los pueblos del estado se establecerán en número competente escuelas de primeras letras en que se enseñara á-leer, escribir y contar el catecismo de la religion cristiana, una breve y sencilla esplicacion de esta constitucion y la general de la república, los derechos y deberes del hombre en sociedad, y lo mas que pueda conducir a lá mejor educacion de la juventud.

Art. 216. En los lugares en que convenga se pondrá tambien, á proporcion que las circunstancias lo vayan permitiendo, los establecimientos de instruccion mas necesarios para proporcionar la enseñanza pública de la ciencias y artes útiles al estado, y en ellos se esplicarán con toda estension las citadas constituciones.

Art. 217. El metodo de enseñanza sera uniforme en todo el estado y á este fin y para facilitarla, formará el congreso un plan general de instruccion publica, y arreglara por medio de estatutos y leyes cuanto pertenezca á este importantisimo objeto.

—Translation

#### Title VI. Public Education

Art. 215. In all the towns of the state a suitable number of primary schools shall be established, wherein shall be taught reading, writing, arithmetic, the catechism of the christian religion, a brief and simple explaration of this constitution, and that of the republic, the rights and duties of man in society, and whatever else may conduce the better education of youth.

Art. 216. The seminaries most required for affording the public the means of instruction in the sciences, and arts useful to the state; and wherein, the aforementioned constitutions shall be fully explained, shall be established in suitable places, and in proportion as circumstances go on permitting.

Art. 217. The method of teaching shall be uniform throughout the state, and with this view, also to facilitate the same, congress shall form a general plan of public education, and regulate by means of statutes and laws all that pertains to this most important object.

**DECLARATION OF INDEPENDENCE, MARCH 2, 1836.**

Laws of the Republic of Texas, Vol. 1, p. 5; G. 1, p. 1065

It has failed to establish any public system of education, although possessed of almost boundless resources (the public domain,) and although it is an axiom in political science, that unless a people are educated and enlightened, it is idle to expect the continuance of civil liberty, or the capacity of self-government.

**CONSTITUTION OF THE REPUBLIC OF TEXAS, March 17, 1836.**

*Ibid.* Vol. 1, p. 18; G. 1, p. 1078

General provisions.

Sec. 5. It shall be the duty of congress, as soon as circumstances will permit, to provide by law, a general system of education.

**SECOND CONGRESS, REGULAR SESSION, NOVEMBER 6,  
TO DECEMBER 19, 1837.****PROCEEDINGS IN THE CONGRESS**

Monday, Nov. 20, 1837; H. J., p. 143.

Mr. Douglass introduced a bill to incorporate the University of Texas; read a first time.

**SECOND CONGRESS. ADJOURNED SESSION. APRIL 9,  
TO MAY 24, 1838.****PROCEEDINGS IN THE CONGRESS**

Friday, April 13, 1838; H. J., p. 7

An act to establish the University of Texas was referred to a select committee consisting of Messrs Rusk, Sutherland and Jones, of Austin.

Friday, May 11, 1838; H. J., p. 108

The bill [proposing to locate the Seat of Government on Eblin's League on the Colorado River near LaGrange] for the permanent location of the seat of government was read a second time.

Friday, May 11, 1838; H. J., p. 109

On motion of Mr. Jones of Brazoria it was amended so as to read for a "u[n]iversity."

[The original bill is not now to be found.]

**THIRD CONGRESS, REGULAR SESSION, NOVEMBER 5,  
1838, TO JANUARY 24, 1839.****MESSAGE OF PRESIDENT MIRABEAU B. LAMAR.****Thursday, Dec. 20, 1838; H. J. pp. 168-170**

Education is a subject in which every citizen and especially every parent feels a deep and lively concern. It is one in which no jarring interests are involved, and no acrimonious political feelings excited; for its benefits are so universal that all parties can cordially unite in advancing it. It is admitted by all, that cultivated mind is the guardian genius of democracy, and while guided and controlled by virtue, is the noblest attribute of man. It is the only dictator that freemen acknowledge, and the only security that freemen desire. The influence of education in the moral world, is like [light] in the physical, rendering luminous what was before obscure. It opens a wide field for the exercise and improvement of all the faculties of man, and imparts vigor and clearness to those important truths in the science of government, as well as of morals, which would otherwise be lost in the darkness of ignorance. Without its aid, how perilous and insufficient would be the deliberations of a Government like ours? How ignoble and useless its legislation for all the purposes of happiness? How fragile and insecure its liberties? War would be conducted without the science necessary to insure success, and its bitterness and calamities would be unrelieved by the ameliorating circumstances which the improved condition of man has imparted to it. And peace would be joyless, because its train would be unattended by that civilization and refinement which alone can give zest to social and domestic enjoyments, and how shall we protect our rights if we do not comprehend them? And can we comprehend them unless we acquire a knowledge of the past and present condition of things, and practice the habit of enlightened reflection? Cultivation is as necessary to the supply of rich intellectual and moral fruits, as are the labors of the husbandman to bring forth the valuable productions of the earth. But it would be superfluous to offer to this Honorable Congress any extended argument to enforce the practical importance of this subject. I feel fully assured that it will, in that liberal spirit of improvement which pervades the social world, lose not the present auspicious opportunity to provide for literary institutions, with an influence commensurate with our future destinies. To patronize the general diffusion of knowledge, industry and charity, has been near the heart of the good and wise of all nations, while the ambitious and the ignorant would fain have threatened a policy so pure and laudable. But the rich domes and spires of edifices, consecrated to these objects, which are continually increasing in numbers, throwing their

scenic splendor over civilization, and attesting the patriotism of their founders, shew that this unhallowed purpose has not been accomplished. Our young Republic has been formed by a Spartan spirit. Let it progress and ripen into Roman firmness, and Athenian gracefulness and wisdom.—Let those names which have been inscribed on the standard of her national glory, be found also on the page of her history, associated with that profound and enlightened policy which is to make our country a bright link in that chain of free states which will some day encircle and unite in harmony the American continent. Thus and thus only will true glory be perfected. And our nation, which has sprung from the harsh trumpet of war, be matured into the refinements and the tranquil happiness of peace. Let me therefore urge it upon you, gentlemen, not to postpone the matter too long. The present is a propitious moment to lay the foundation of a great moral and intellectual edifice, which will in after ages be hailed as the chief ornament and blessing of Texas. A suitable appropriation of lands to the purpose of general education, can be made at this time without inconvenience to the Government or the people; but defer it until the public domain shall have passed from our hands, and the uneducated youths of Texas will constitute the living monuments of our neglect and remissness. To commence a liberal system of education a few years hence may be attended with many difficulties. The imposition of taxes will be necessary. Sectional jealousies will spring up; and the whole plan may be defeated in the conflict of selfishness; or be suffered to languish under a feeble and inefficient support; a liberal endowment which will be adequate to the general diffusion of a good rudimental education in every district of the Republic, and to the establishment of a university where the highest branches of science may be taught, can now be effected without the expenditure of a single dollar. Postpone it a few years, and millions will be necessary to accomplish the great design. . . . .

[From the first paragraph of the message.]

#### PROCEEDINGS IN THE CONGRESS

**Nov. 22, 1838; File 1049, Legislative Documents, Consultation and Congressional: Office of the Secretary of State**

**J. R. 60. By Mr. Dunn (?)**

To grant two leagues of land to each county for education.

Referred to a special committee.



December 4, 1838; File 1961, *ibid.*

H. B. 34. By Mr. (?)

To encourage education and grant four leagues of land to each county for its support.

Read.

January 4, 1839; H. J. pp. 270-280

Mr. Cullen, from the committee on education, made the following report:

[See p. 744 for a statement regarding the authorship of this report.]

The committee to whom was referred the subject of education as well as that part of the President's message relative to the same, have not been able to devote that time, and bestow that reflection upon the subject which the importance demands. Your committee, however, trust that the report they now submit for your consideration will prove satisfactory; or, as has been justly remarked by the President, "the influence of education in the moral world is like light in the physical, rendering luminous what was before obscure." It opens a wide field for the exercise and improvement of all the faculties of man, and it imparts vigor and clearness to those important truths in the science of government, as well as of morals, which otherwise would be lost in the darkness of ignorance.["] Nothing is so essential in a free government as the general diffusion of knowledge and intelligence of every kind. Education confers private happiness; it gives political strength and importance; it exalts the mind, refines the passions, polishes the manners, and promotes virtue; it is the foundation of civil and religious liberty, and constitutes national strength and glory. For it has been truly said, "that knowledge is power," and it is to the enlightened influences of education that England, France and the United States of the North, are indebted for the proud and enviable station that they now occupy among the nations of the earth; and the want of education has no doubt been the principal cause of "fair and lovely Greece," once the nursery of the arts and sciences, and proud Rome, once the mistress of the world, being in their present wretched and oppressed condition.

Ignorance is the mother of vice and superstition; and with its concomitant train of evils, no doubt, has rendered our enemies, the Mexicans, as weak and contemptible as they are.

Your committee views it as one of the first and paramount duties of Congress to provide a system of general education; and although it is not in our power to carry into effect immediately a general system, yet we should lay the foundation while it is in our power, by making suitable appropriations of the public domain, and setting the same apart to enable us so soon as our situation will permit, to

establish primary schools and colleges, where every class can alike receive the benefits and blessings of education.

Intelligence is the only true aristocracy in a government like ours; and the improved and educated mind has, and will ever triumph over the ignorant and uneducated mind; and our separation from Mexico, and consequent revolution, is to be attributed, in a great degree, to the difference between the Texians and the Mexicans, in their mental culture and improvement, and consequent powers and superiority.

By recurring to our declaration of independence, your committee find the following, among other reasons assigned, for dissolving our connection with the Mexican government, viz.: It (that is the combined despotism of the sword and the priesthood into which the government had settled down) has failed to establish any public system of education, although possessed of almost boundless resources, (the public domain.) And to aggravate this just cause of grievance, it is declared to be an axiom in political science that unless a people are educated and enlightened, it is idle to expect the continuance of civil liberty, or capacity for self-government.

Your committee, after calm and deliberate reflection on the subject, and aided by the light of history, see no cause to pollute [palliate] the criminal negligence of the despotic government of Mexico during our connection with it, in failing to appropriate the ample means at its command for the education and enlightening of its youthful population; nor are they, for a moment, disposed to question the truth of the axiom upon which this cause of grievance is based.

Acquiescing, therefore, fully, both in the cause of complaint and in the justness of the axiom from which it arises, your committee have been led to inquire what has been done to vindicate the sincerity and consistency of the people of Texas in urging the above reasons for dissolving all connection with the hateful and intolerable despotism of Mexico, and resorting to the experiment of self-government? If we could not secure the education of our youth while connected with that people, for the want of power to control the disposition of the public domain, are we now, that we have taken this very power into our hands, so employing this domain, or any portion of it, for the promotion of domestic education? Have we, as a people, acted as if we verily felt the grievance of which we complained, or the truth of the axiom, "that unless people are educated and enlightened, it is idle to expect the continuance of civil liberty or the capacity of self-government?"

What must an "impartial world," to whom we felt bound to submit a statement of our grievances, think when they see none of that "public domain," which we consider ourselves justly to have wrested from the oppressor, set apart for the purpose of educating

those whose interests we complained had been grossly neglected, and see us making no practical application of one of the most certain maxims of political science? Does not a regard to the sincerity of our professions before the world—a regard to consistency and truth, as well as a regard to the interests of our country, demand the prompt attention and efficient action of Congress, in relation to this momentous subject?

To excite such attention, and to secure such action, your committee beg leave further to suggest, that although not furnished with the requisite data for any thing like an accurate estimate of the number of children now in the Republic, and of a suitable age to enjoy the benefits of good schools, or of the number absolutely destitute of such advantages, yet they are compelled to believe that the proportion of the latter class to the whole number now in the country, is very great. Your committee see it stated on what appears to be good authority, that in the State of Pennsylvania out of 400,000 children of a proper age to be enjoying the advantages of schools, only 250,000 are in the actual enjoyment of such privileges, i. e. three-fifths, or a little more than half the whole number of children. In the States, West and South-west of Pennsylvania, probably a much smaller proportion are found in reach of school instruction. And all this destitution, notwithstanding the comparative age, and tranquillity, and dense population, and prosperity of those States. What, then, must be the absolute destitution of very much the larger portion of the youth of our country—scattered as they are, and recent as has been the introduction of many of them—and exposed as they have been to all the vicissitudes attendant upon new settlements, and the struggles of our recent revolution?

Though the present adult population of Texas perhaps contains as much, if not more, educated talent than the same amount of population in any other country so new on the face of the globe; yet this is no criterion by which to estimate the present advantages of our native and emigrating youth. But a small portion of the educated talent, as yet in our country, is of native cultivation. Most of what we now possess of this indispensable material has been lured hither, by the new and promising field, so suddenly opened for its employment by our revolution. Few of the youth born and fostered on our own soil know anything of the advantages of the school. Those now growing up without education, as well as those of the same character who, with their parents, we soon expect to join us here, will soon be beyond the reach of such advantages unless something is done, and that speedily, to meet their wants. For be it remembered, that the disproportion between the educated and uneducated children in our country will greatly increase, unless very prompt and efficient measures are devised and prosecuted to prevent that increasing disproportion. This disproportion between

the adult and youthful parts of your population will decrease as the difference between married and unmarried emigrants to our country increases. And this will be the case as our country becomes secure from the fear of Indian and Mexican depredation. For we have thrown open our doors very wide. Already our invitations abound almost to the ends of the earth. We have offered a wide field to the enterprising—a noble theatre to the aspiring—and a secure asylum to the oppressed. Our invitations have been heard and accepted by many. Already are the currents of emigration setting this way; not only from all parts of the United States, but also from England, from Ireland, and Scotland, and from Protestant Germany. But these currents will necessarily float in upon our soil vast numbers of uneducated children, to swell the numbers already here, and still destitute of the means of instruction. And these children, whatever may be their character and accomplishments, will soon be invested with all the privileges and responsibilities of citizens, of voters, and of parents. But shall they receive the knowledge requisite to fit them to sustain the dignity of citizens, and to meet the responsibilities of the voter and parent? Shall they be qualified by education of the proper kind—education of the feelings as well as intellect, to take, and maintain, and carry out expanded views of their personal, social, civil and religious obligations? Such education as shall render them competent to self-government; and for want of which they will be but the groveling slaves of their mean and despicable passions, or the pliant tools of the wily and ambitious demagogues.

Our country has boundless sources of national wealth still dormant in its soil, its forests and its minerals. Intellectual capabilities for developing these sources, will be attracted hither by our invitations and our pledges; but what will avail all our resources of wealth without the skill to bring them out; or, if discovered and developed, what would be their advantage without the knowledge to appropriate them to their legitimate ends? And whence can this knowledge and skill be obtained but from the moral and mental discipline which alone give right reason its proper predominance over the low and vulgar passions which are cherished by ignorance.

How is civil liberty to be continued, or self-government sustained, by those who know nothing of their principles? Upon the practicable application of the axiom already quoted does it depend whether our government shall be a strong, and energetic, and happy, and permanent one—a praise among nations; or, a poor, weak, rickety, despicable, short-lived thing—scoffed and condemned by the enemies and pitied by the friends of rational liberty.

And whence is this necessary moral and mental discipline, and the elementary knowledge necessary to qualify the children of free-men to appreciate the privileges and meet the responsibilities which



they must soon inherit, except in institutions conducted by those who have made the human mind their study? As but few parents are qualified, or if they were, are unwilling to take the time and trouble, to educate their children, it follows, of course, that if their children are educated at all, it must be by means of schools of some kind.

Now, that there will be schools as population flows into our country, and neighborhoods are formed, there can be no doubt.

But few parents will be found who will not be willing to make some effort to have their children instructed. But what shall be the general character of our institutions of elementary instruction? Shall they be such as will really subserve the interests and answer the demands of education? Shall they be conducted by those who not only know the value, and something of the capabilities of mind, but who also know how to elicit and give a proper direction to those capabilities? Or shall they be, as has too often and lamentably been the case, but engines for crushing the youthful intellect, and repressing every noble aspiration of the opening mind, by being entrusted to the control of ignorant or vicious teachers? The character of our schools, and the results of all future efforts in the cause of popular education, your committee think, will be very materially affected by the course which the present Congress shall adopt. And the vital importance to the future well-being and permanency of our nation must be our apology for the length of our report. We wish not merely to secure some action, prompt, and liberal, and efficient, but also intelligent and substantially beneficial to our posterity and to the world. And may we not learn something, and profit something too, in relation to our duty on this subject, from what we have all seen in our parent land? And is not the present the time to profit by our experience and observation as to the defects and injurious tendencies of most of the common schools of which most of us know anything? Surely now is the time, if ever, to profit in this way—now, while our government and our institutions are in their infancy, and society is in its forming state.

To secure the right kind of education for our youth, it is absolutely necessary that the right kind of teachers be secured. The moral character and literary qualifications of the instructors of the children of our country, are two points to which too much attention cannot be directed. The relation which teachers of youth sustain both to the taught and their parents, and through these to the whole community, involves obligations on the teacher's part of the very highest moment. For, if the children entrusted to his care are blessed with kind, and faithful, and intelligent parents, it is of the utmost importance to the children that the parental influence be not counteracted by the moral delinquency of those who are called

in to aid the parents in training their offspring for the discharge of the active duties of life. And if the children be so unfortunate as to have parents of a different character—either ignorant of parental duty, or indifferent to its vigorous and presevering discharge, much more is it important that this defect should be as far as possible remedied by well conceived and well directed efforts of their teachers. In every case, then, it is of the first importance that instructors of children should be disposed, as well as qualified, to educate the feeling, as well as the intellect, of those committed to their care. But there is no reason to expect this from persons of indolent, or irregular, or licentious habits, or of men of mercenary impulses—by persons whose views and aims are bounded by the narrow horizon of interest or passion, seldom or never looking to, or incapable of appreciating the dignity of the vocation which brings them into contact with the germs of thoughts and feelings, in minds upon the proper culture of which the usefulness of individuals, the happiness of families, yea the interests of nations, and the destinies of eternity, may, in many important respects, so materially depend. And yet, have we not all seen persons of this description by the recklessness or parsimony of parents and guardians of youth, thrust into this interesting and responsible vocation, or induced to seek it that they might obtain a piece of bread, and a shelter, and a coat.

But the teaching profession needs equally to be guarded against the intrusion of ignorant and incompetent, as well as vicious aspirants. Persons who themselves have not learned to think, how shall they teach others to think? Can those who have received no severe mental training be expected to furnish such a training to others? Such teachers, or rather empirics, may keep youth about the vestibule of knowledge, but can never conduct them beyond the threshold of mental accomplishment—and it is idle to expect such a result from those who themselves have never passed the threshold. What we want, then, are teachers who will appreciate the responsibility of dealing with beings just forming their character for personal happiness and relative usefulness. Teachers who shall be qualified to train both the intellect and heart of those who are just beginning to think and feel on the momentous and complicated interests of human life—of domestic and social, and civil and religious privileges and duties.

But to secure such teachers, the teaching profession must take a more elevated stand in public estimation. Its importance to the whole community must be more generally felt and acknowledged. This will require a corresponding elevation of the standard of professional qualification in the instructors of youth. Such an elevation as will demand a degree of native talent, and a severity and extent of mental discipline and professional training on the part of

the teacher of youth by no means inferior to that required by any of the learned profession. In order to this, inducements must be held out sufficient to make the teaching profession to be sought and pursued by those whose talents and accomplishments would entitle them to a far higher rank in the public estimation than has usually been accorded to the mere schoolmaster. This cannot be done until quack schoolmasters are discountenanced—until they are regarded with the same disgust and odium which ought to drive the empiric doctor and pettifogging lawyer from every intelligent and refined community.

Congress has thought it proper to protect the community, and the medical and legal professions, by special enactments requiring candidates for public favor to sustain satisfactory examination, or to exhibit suitable credentials before persons competent to judge of professional qualifications—and it is not so much the fault of the laws as of the guardians of those laws that so many unworthy and incompetent persons are permitted to insinuate themselves into the professional ranks, and to tamper with the lives and property of the people—and may not the magnitude of the interests devolving upon the instructors of our youth as reasonably demand a similar protection of our national legislature? A board of censors for particular districts, similar to our boards of medical censors, by whom all persons wishing to engage in the business of public instruction should be closely and thoroughly examined and recommended, would seem to be one means of enhancing the reputation of the teaching profession, and of guarding the public confidence against so frequent abuse as it has been wont to suffer.

But in order to secure teachers of competent talents and accomplishments, such as shall bring their profession up to an equality in public estimation with the legal, clerical and medical professions, something more substantial must be granted them than legal protection, or the honor their true position in society justly demands for them. The emoluments of a vocation so laborious and responsible, and requiring talents and accomplishments, by no means more common or easily attained than those of any of the learned professions, should bear some proportion to those of any of these professions.

Until this is the case, men who may be every way qualified for the business of instruction, if they engage in it at all, it will only be as a stepping-stone to the more lucrative of the profession. They will occupy this merely as a vantage-ground while they survey the more promising fields of literary and professional pursuit; and will only occur till they can secure something to liquidate past debts, and to pay their way while preparing for some more lucrative vocation. It can not be expected that ardent young men, whose prepara-

tory course has been as protracted and expensive as that of others, will choose the business of instructing youth, at a salary of 800 or \$1,000 annually, while the same talents and accomplishments, if devoted to the pursuit of medical or legal practice, promises from 3,000 to \$4,000. With a difference of pecuniary advantages in view, it can not be expected that those who are really qualified for the instruction of youth will continue in such a business longer than they can avoid it.

Then it becomes a question of great interest, how shall competent teachers be suitably compensated in our country? Shall the matter be left to the ability and discretion of every neighborhood and district to furnish its own teachers; and if they are rich and liberal, or sufficiently numerous, and desire it, to find a good teacher and pay him well, or if they be few and poor, however solicitous they may be to secure good teachers for their children, yet be obliged to employ those who will serve them for small salaries; or, if they care nothing about the matter, shall nothing be done to enlighten them on the subject of parental duty, and to secure for their children, among whom may be found many capable of becoming ornaments to their nation and blessings to their kind, and the requisite instrumentalities for involving and training their latent capabilities?

Or shall liberal appropriations of the public means be secured to every neighborhood, which, together with what the neighborhood may be able to furnish, may be sufficient to secure the services of competent teachers for all the neighborhoods in our Republic.

Or, by liberal appropriations to a number of the most eligible and accessible points, secure the establishment of suitable literary institutions, at which either a primary or more extensive education may be furnished at as little expense as possible to all classes of the community who may be at all inclined to avail themselves of the benefits of such institutions.

For our country, this latter plan seems the most desirable. Owing to the scattered condition of our population, but few neighborhoods can afford, unassisted, to sustain a well-qualified teacher, of course many children must either be sent from home or remain destitute of all the advantages of schools.

But let such schools be established as the wants of the country may require, it suitable points where boarding can be furnished cheap, and tuition gratis, to those who may be unable to pay both for board and tuition. Let great care be taken in the selection of locations, and of teachers, and of superintendents. Let these be well paid by the public, and the public will not lose by educating its own youth at home, where it can be done, if the proper exertions are made.



Your committee, therefore, recommend the adoption of the following bill.

.(Signed)

E. W. CULLEN, Chairman.

### A BILL

*Entitled an Act to appropriate certain lands for the purpose of establishing a general system of education.*

*Be it enacted by the Senate, &c., &c.,* That each county of this Republic shall have three leagues of land surveyed and set apart for the purpose of establishing a primary school or academy in said county, which land shall be located and surveyed by the county surveyor, or his deputy, in each county, and be paid the fees now allowed under the land law, out of the county treasury. Provided there is that quantity of good vacant land in the counties; and further provided, that said land may be surveyed in any size tracts

Be it further enacted, &c., That where there is not a sufficient quantity of good land, that is vacant in any county, the county court of such county, or counties, shall be, and they are hereby empowered and required to have surveyed upon any of the vacant lands of this Republic, said quantity of land, and pay the expenses of the same out of the county treasury.

Be it further enacted, &c., That where said lands are surveyed, in accordance with this act, the surveyor shall return a correct description of the same, with the field notes of the survey, to the clerks of the country courts, who shall record the same and forward a transcript of the same to the commissioner of the general land office after it is recorded, with his certificate and the seal of office thereto attached. And when the land so surveyed is not situated in the county for which it is surveyed, the description and field notes shall be recorded in the county where it is surveyed, as well as the county for which it is surveyed, and recorded and forwarded to the land office as above described.

Be it further enacted, &c., That the President of the Republic be, and he is hereby authorized and required to appoint a surveyor, and have surveyed, on and from any of the vacant lands of this Republic twenty leagues of land, which is to be set apart, and is hereby appropriated for the establishment and endowment of two colleges or universities, hereafter to be created, one to be established in the Eastern and the other in the Western part of Texas. And that the President is hereby authorized to draw upon the Treasury of this Republic for such sum or sums of money as it may be necessary for defraying the expenses to be incurred by locating and surveying said lands.

Be it further enacted, &c., That said surveyor, so appointed, shall make out a complete description of the lands so surveyed, and a neat and correct map of the same, and deposit them, together with the field notes, in the general land office of this Republic; and shall also take and describe to this oath or affirmation: "I, A. A. do solemnly swear (or affirm) that I have well and truly discharge[d] my duties to the best of my knowledge, skill and ability; and that the field notes and description of said land are as correct as I could make them, so help me God." Which said oath is to be taken before a chief justice of the county court, and deposited in the land office. And the surveyors of the different counties to survey the lands contemplated by this act, shall take and subscribe the same oath, which shall be recorded in the clerk's office of the county court.

Be it further enacted, &c., That none of the land appropriated and set apart by this act for the purpose of education, shall be disposed of in any manner, except by lease, until the expiration of three years; and none of said land shall be disposed of by lease for a longer time than three years.

Which was received and adopted, and the bill read a 1st time.

**Jan. 9, 1839; H. J. pp. 316-318**

On motion of Mr. Cullen, the bill entitled an act appropriating certain lands therein named for the establishment of public schools, was taken up, and read a 2d time.

On motion of Mr. Kaufman, the clerk proceeded to read the bill section by section.

Mr. Jenkins moved to adjourn until to-morrow morning at 10 o'clock; lost.

Section 1st. Mr. Jones offered the following amendment, to wit:

Except the counties that have already received a donation of land for the purpose of education, or those counties in which there may be a town, which under the colonization laws, have already received or are entitled to four leagues of land.

Mr. Cullen moved for the previous question; which motion was withdrawn.

Mr. Cook then offered the following substitute to the amendment proposed by Mr. Jones, to wit:

Provided, however, the counties to whom donations of land have been made, shall still have the land appropriated, as much as three leagues of land which have not yet been used, or granted to corporations or county purposes; provided, moreover, if any counties have not yet, undisposed of, three leagues of land, this act shall

grant to the same a sufficient quantity of land to make the leagues certain, the provisions of this act.

The bill donating lands for the establishment of public schools was resumed.

Mr. Cullen moved to reject the substitute proposed to the amendment.

Whereupon, the substitute and the amendment was withdrawn.

Mr. Jenkins moved to adjourn until to-morrow morning, at 10 o'clock; lost.

The bill was resumed.

Section 4th. Mr. Holmes moved to strike out "twenty," carried.

Mr. Cook moved to adjourn until to-morrow morning, at 10 o'clock; lost.

The bill was again taken up.

Mr. Holmes moved to insert "fifty["]; carried.

Mr. Baker moved to strike "out one to be established in Eastern Texas and the other in Western Texas["]; motion carried.

Mr. Tower moved to adjourn until to-morrow morning, at 10 o'clock; lost.

Mr. Cullen moved for the previous question.

Which motion the Speaker decided to be out of order. ,

Mr. Cullen moved to engross the bill for a 3d reading, and at the same time moved for the previous question.

The main question being put, shall the bill pass? was decided in the affirmative.

The main question on the question for the engrossment of the bill being put, was carried.

On motion, the House adjourned till to-morrow morning, 10 o'clock.

## LAWS

Pp. 135-136; G. 2, pp. 135-136

AN ACT Entitled an act appropriating certain lands for the establishment of a general system of Education.

Section 4. *Be it further enacted*, That the President of the Republic be and he is hereby authorized and required to appoint a surveyor and have surveyed on and from any of the vacant lands of this Republic, fifty leagues of land, which is to be set apart and is hereby appropriated for the establishment and endowment of two Colleges or Universities, hereafter to be created; and that the President is hereby authorized to draw upon the Treasury of this Republic for such sum or sums of money as may be neces-

sary for defraying the expenses to be incurred by locating and surveying said lands.

Section 5. *Be it further enacted*, That said surveyor so appointed, shall make out a complete description of the land so surveyed, and a neat and correct map of the same, and deposit them together with the field notes in the General Land Office of this Republic; and shall also take and subscribe to this oath or affirmation: I, A B, do solemnly swear (or affirm), that I have well and truly discharged my duties to the best of my knowledge, skill and ability, and that the field notes and description of said land are as correct as I could make them, so help me God. Which said oath is to be taken before a chief justice of the county court, and deposited in the Land Office; and the surveyors of the different counties, to survey the lands contemplated by this act, shall take and subscribe the same oath, which shall be recorded in the clerks office of the county court.

Section 6. *Be it further enacted*, That none of the lands appropriated and set apart by this act for the purpose of education, shall be disposed of in any manner except by lease, until the expiration of three years, and none of said lands shall be disposed of by lease for a longer term than three years.

Approved January 26, 1839.

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Pp. 161-165; G. 2, pp. 161-165

AN ACT Entitled an act for the permanent location of the Seat of Government.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Republic of Texas in Congress assembled*, That there shall be and are hereby created five Commissioners, to be elected two by the Senate and three by the House of Representatives, whose duty it shall be to select a site for the location of the Seat of Government, and that said site shall be selected at some point between the rivers Trinidad and Colorado, and above the old San Antonio Road.

Sec. 2. *Be it further enacted*, That the name of said site shall be the City of Austin.

Sec. 12. *Be it further enacted*, That the said agent, before the sale of said lots, shall set apart a sufficient number of the most eligible for a Capitol, Arsenal, Magazine, University, Academy, Churches, Common Schools, Hospital, Penitentiary, and for all other necessary public buildings and purposes.

Approved January 14, 1839.

**FOURTH CONGRESS, REGULAR SESSION, NOVEMBER 11,  
1839, TO FEBRUARY 5, 1840.**

**Dec. 31, 1839: File 1267, Legislative Documents, Consultation and  
Congressional: Office of Secretary of State**

243: An act to create a fund with which to build two colleges  
to be located at Austin and Nacogdoches.

[Sets aside 300,000 acres of land, to be sold so as to net not less than  
50 cents per acre, for two State colleges to be begun simultaneously as  
soon as the President of the Republic thinks the receipts from the land  
sales justify doing so.]

Read Dec. 31, 1839; Jan. 30, 1840, and referred to Educational  
Committee.

**LAWS**

**Pp. 203-204, G. 2, pp. 377-378**

**JOINT RESOLUTION for the Survey and Sale of the Austin Town  
Tract.**

Sec. 1. *Be it resolved by the Senate and House of Representatives  
of the Republic of Texas, in Congress assembled,* That it shall be the  
duty of the Secretary of the Treasury to cause to be surveyed  
the remaining portion of the tract of land belonging to the gov-  
ernment, and adjoining the city of Austin, in lots varying from  
five to forty acres each, and cause to be laid out such roads and  
alleys as may be deemed necessary upon a plan to be approved by  
the President.

Sec. 7. *Be it further resolved,* That it shall be the duty of the Sec-  
retary of the Treasury to reserve in the plan fixed on, four  
hundred acres for such public purposes as Congress may hereafter  
direct.

Approved 5th January, 1840. [Original in File No. 1270.]

[The campus of the Main University is one of these 40 acres "out" lots.]

**CONSTITUTION OF THE STATE OF TEXAS, 1845.**

**Article Tenth. Education. P. 23, G. 2, p. 1297**

SECTION 1. A general diffusion of knowledge being essential to  
the preservation of the rights and liberties of the people, it shall be  
the duty of the Legislature of this State, to make suitable provi-  
sion for the support and maintenance of public schools.

SEC. 2. The Legislature shall, as early as practicable, establish  
free schools throughout the State, and shall furnish means for their  
support, by taxation on property; and it shall be the duty of the



Legislature, to set apart not less than one-tenth of the annual revenue of the State, derivable from taxation, as a perpetual fund, which fund shall be appropriated to the support of free public schools; and no law shall ever be made, diverting said fund to any other use; and until such time as the Legislature shall provide for the establishment of such schools, in the several districts of the State, the fund thus created shall remain as a charge against the State, passed to the credit of the free common school fund.

SEC. 3. All public lands which have been heretofore, or may hereafter be granted for public schools, to the various counties, or other political divisions in this State, shall not be alienated in fee, nor disposed of otherwise than by lease, for a term not exceeding twenty years, in such manner as the Legislature may direct.

SEC. 4. The several counties in this State, which have not received their quantum of lands for the purposes of education, shall be entitled to the same quantity heretofore appropriated by the Congress of the Republic of Texas, to other counties.

## **FIRST LEGISLATURE, REGULAR SESSION, FEBRUARY 16, TO MAY 13, 1846.**

### **MESSAGE OF PRESIDENT ANSON JONES.**

**February 19, 1846; S. J., pp. 14-15; H. J., p. 17**

The expenses of the government since I have been in office, have all been paid in an undepreciated currency — a very considerable amount of debt incurred by previous administrations has been paid off, and a surplus of available means sufficient to defray the expenses of the government, economically administered, for the next two years, at least, is left at the disposition of the State; and I venture the belief that, without resort to taxation, the public domain, if properly husbanded and disposed of, will raise a fund sufficient to liquidate the entire national debt upon equitable principles, besides providing for the future support of the State government, a system of common schools, and other institutions for the intellectual, moral and religious improvement of the rising generation. With such a population as Texas possesses, characterized as it is with great intelligence and enterprize, and with such elements of prosperity as she now possesses, a genial climate and a fertile soil, it will be her own fault if she does not reach an importance and a social elevation, not surpassed by any community on earth.

### **MESSAGE OF GOVERNOR J. PINCKNEY HENDERSON**

**February 24, 1846; S. J. Appendix, pp. 9-10**

By the Constitution it is made the duty of the Legislature to make suitable provision for the support of public schools, and to

set apart not less than one tenth of the annual revenue of the State as a perpetual fund for that purpose, and as soon as practicable to furnish other means for the support of free schools throughout the State by taxation. The slow progress made by most of our sister States in collecting a sufficient fund for educational purposes and maturing plans for public schools, should warn us of the necessity of commencing that important work with out earliest existence as a State. The people of no State have ever yet had occasion to regret the munificence of their Legislature upon this subject, when proper care has been taken to establish a good system of public instruction, and to insure a prudent management of the means appropriated. By reference to the plans adopted by other States, we will, aided by their experience, doubtless be able to organize free schools, upon a plan entirely satisfactory to the community, and which will be productive of great good.

[H. J. has 733 pages; no index.]

[S. J. has 374 pages; no index.]

[S. J. Appendix has 115 pages; no index.]

## **SECOND LEGISLATURE, REGULAR SESSION, DECEMBER 13, TO MARCH 20, 1848.**

[H. J. has 1138 pages; no index.]

[S. J. has 683 pages; no index.]

## **THIRD LEGISLATURE, REGULAR SESSION, NOVEMBER 5, 1849 TO FEBRUARY 11, 1850.**

[H. J. has 816 pages with appendix of 396 pp.; no index.]

[S. J. has 722 pages; no index.]

**Dec. 14, 1849; H. J. pp. 278-279**

Mr. Holland offered the following resolution: *Resolved*, That the committee on Education be required to consider the practicability and expediency of establishing a college or university as contemplated by an act, approved January, 1839, appropriating fifty leagues of land for the endowment of such institution of learning; read and adopted.

### **GENERAL LAWS**

**Ch. 92, pp. 96-97; G. 3, pp. 534-535**

**JOINT RESOLUTION** making provisions for surveying a certain quantity of University Land.

Whereas, by an act entitled "an act appropriating certain lands for the establishment of a general system of education," approved

January 26, 1839, authorizing and requiring the President of the Republic of Texas to employ some county or district surveyor to survey fifty leagues from any of the vacant or unappropriated lands of the Republic, for the endowment of two Colleges or Universities; and whereas, it is ascertained that the field-notes of leagues numbers one, two and three, University lands, purporting to have been surveyed in the District of Nacogdoches, in the year 1839, and now situated in the counties of Rusk and Smith, as represented on the map in the Land Office, have not been returned in accordance with the provisions of the above recited act; and whereas, since the date of the aforesaid locations, the land above described, in consequence of there being no record, has been surveyed and recorded in the respective counties where the land is situated, and a number of said locations patented in good faith; therefore,

Section 1. Be it resolved by the Legislature of the State of Texas, That the Commissioner of the General Land Office be, and he is hereby authorized and required to employ some competent surveyor to survey three leagues, from any of the vacant or unappropriated lands in the State, in lieu of said leagues numbers one, two and three, University lands, hitherto located in the District of Nacogdoches, and said surveyor shall be entitled to the same fees and governed in all respects by the provisions of the above recited act.

Sec. 2. Be it further resolved, That the Commissioner of the General Land Office be, and he is hereby authorized and required to have surveyed the number of leagues named in the fourth section of the above recited act, provided the same has not been surveyed and returned to the Land Office according to law.

Sec. 3. Be it further resolved, That the sum of two hundred dollars, or as much as may be necessary, is hereby appropriated, and the Commissioner of the General Land Office authorized to draw upon the Treasurer of the State for the same, to carry out the provisions of this resolution, and that this joint resolution take effect and be in force from and after its passage.

Approved Feb. 1, 1850.

### **THIRD LEGISLATURE, CALLED SESSION, AUGUST 12, TO SEPTEMBER 6, 1850.**

[H. J. has 133 pages, with appendix of 109 pages; no index.]

[S. J. has 119 pages, with appendix of 108 pages; no index.]

### **THIRD LEGISLATURE, SECOND CALLED SESSION, NOVEMBER 18, TO DECEMBER 3, 1850.**

[H. J. has 138 pages; no index.]

[S. J. has 88 pages; no index.]

**FOURTH LEGISLATURE, REGULAR SESSION, NOVEMBER 3, 1851, to FEBRUARY 16, 1852.**

**MESSAGE OF GOVERNOR P. H. BELL.**

Nov. 10, 1851; H. J., pp. 49-50; S. J., pp. 34-35

The fourth section of an act of the late Republic, approved January 26th, 1839, contemplates that two Universities shall be created, and fifty leagues of land were then directed to be surveyed and set apart for their endowment. It may now be a question whether or not this is an appropriate time for the commencement of these establishments; and whether or not, if the means which the State can advance for the purpose of education, are applied to them, it would be the best application of those means. The subject is referred to the wisdom of the Honorable Legislature.

It has been suggested to me, and the suggestion has come from a source entitled to respect, that the best mode, at present, of promoting the cause of education by the State, will be found in subscribing for a certain number of scholarships in the several institutions already established, and which are about to be established by private individual enterprise; the extent of these subscriptions to be regulated by the character and importance of those institutions respectively. It is alleged that by doing so, and paying the subscriptions in advance, the State will not only aid in perfecting those institutions, but will have an opportunity of educating at each one of them, (in proportion to the scholarships taken,) a number of the worthy youths of the country who are unable to educate themselves, and who when thus educated, will be prepared to take charge of the common free schools which the State will, no doubt, at some future day, desire to establish throughout the country.

I have thought proper to submit this suggestion for the consideration of the Legislature, coming as it did, from a highly intelligent and respectable source.

[H. J. has 881 pages; no index.]

[S. J. has 557 pages; no index.]

**FOURTH LEGISLATURE, CALLED SESSION, JANUARY 10, TO FEBRUARY 7, 1853.**

[H. J. has 285 pages; no index.]

[S. J. not seen.]



**FIFTH LEGISLATURE, REGULAR SESSION, NOVEMBER  
7, 1853, TO FEBRUARY 13, 1854.**

**MESSAGE OF GOVERNOR P. H. BELL**

November 8, 1853; H. J., p. 24, pp. 27-28; S. J., p. 21, pp. 24-25,  
Part I.

Taking into consideration the rapid absorption of all the choice lands by private location, I would also recommend that an appropriation be made, at the present session, for the location and survey of the balance of the fifty leagues set apart for two Universities as an endowment by an act of the late Republic, in order that those institutions may reap the full benefit of the grant made to them under that wise and liberal enactment.

Since my occupancy of the Executive chair, I have had occasion, in more communications than one, to call the attention of the Legislature to that important article of the Constitution which relates to the great cause of Education; and, in doing so, by all pertinent suggestions and appeals to impress upon that body the necessity of an early fulfilment of its first section, by setting on foot and maturing some practicable and liberal system of popular education. Upon this subject I shall feel that my duty to the State has been fully discharged, when in following up a reference I had the honor to make in a communication of the 10th of November, 1851, relative to the fifty leagues of land to be surveyed and set apart for the endowment of two Universities, I recommended, as I now do, a liberal appropriation of means for the establishment and maintenance of two Colleges, or Universities, to be located at such eligible points as may best subserve the interests and convenience of the two grand divisions of the State. Such appropriation to be employed in addition to that already set apart by the fourth section of an Act approved January 26, 1839. This recommendation is made in the full confidence that the present is a highly favorable time for the commencement of these establishments, whether we consider the capability of the State to provide the necessary means for so wise a purpose, or the very best application of those means.

**MESSAGE OF GOVERNOR E. M. PEASE**

December 23, 1853; H. J., p. 21; S. J. pp. 15-16, Part II

The want of a good University in the State, where a liberal education can be obtained, is a serious inconvenience. It should be our policy to furnish, within our own limits all the means for obtaining

an education, that can be had in any part of the Union, so as to remove the necessity of having to send our youth abroad to be educated among those who are hostile to the policy and institutions of the State.

The present seems to be a favorable time to lay the foundation for such an institution, and I respectfully recommend that the sum of two hundred and fifty thousand dollars of the United States bonds now in the treasury, be appropriated and set apart for a perpetual fund, the interest of which shall be applied to the erection and support of a State University. The income of such a fund, with the amount that may hereafter be realized from the lands that have been set apart by an act of the late Republic, will, at no distant period, enable us to build up a University fully adequate to all the wants of our State. I am aware that these lands were appropriated for the establishment and endowment of two Universities, but I suggest for your consideration, that it would be better to have one well endowed institution of the kind, than to apportion our funds for the erection of two, neither of which could afford the advantages which are furnished by similar institutions in other States of the Union.

Should such an appropriation be made, it will be necessary to pass laws for the location of the proposed University at some central point, convenient to the entire State, as well as for the erection of the necessary buildings and for the organization and government of the institution.

[H. J. has Part I, 270 pages; Part II, 460 pages; Appendix, 275 pages; no index.]

[S. J. has Part I, 205 pages; Part 22, 328 pages; no index.]

## **SIXTH LEGISLATURE, REGULAR SESSION, NOVEMBER 5, 1855, TO FEBRUARY 4, 1856**

### **MESSAGE OF GOVERNOR E. M. PEASE**

**November 6, 1855; S. J. p. 17**

I invite your attention to the importance of establishing a State University, which shall afford to our youth all those opportunities for obtaining a liberal education, that are to be found in any part of the Union.

We cannot appreciate too highly the advantages of educating our children within the reach of parental authority, where they can daily witness the practical operation of our government, its institutions and laws, and become familiar with the habits and sympathies of the people with whom they are to associate in after life.

To secure these advantages, is worthy of an effort on the part of the State, and I recommend that the sum of \$300,000 of the United

States bonds, now in our Treasury, be appropriated as a permanent fund, to be increased by the gradual sale of the University lands at not less than a minimum price after they shall have been subdivided into small tracts and that the income of this fund be applied to the erection and support of such an institution.

This will enable us in a few years to erect the necessary buildings, employ professors, in every branch of literature and science, and place the institution upon a sure basis for future prosperity and usefulness.

While upon this subject, it is proper I should inform you that a portion of the University lands have not yet been selected and I suggest that a sufficient appropriation of money be made to pay the expenses of selecting and surveying them.

### PROCEEDINGS IN THE LEGISLATURE

#### File 65, Office of Secretary of State

O. B. 2. By Mr. —.

To set apart fifty leagues of land to establish the [State] Literary College of Eastern Texas (to be hereafter located east of the Trinity River).

Read first time.

December 6, 1855. S. J., p. 167.

S. B. —. By Committee on Education.

To create a fund for the erection and support of a State University.

A Report of the committee on Education on a bill creating a fund for the erection and support of a State University, read.

Mr. Lott moved to strike out "a" and insert "two," wherever the same occurred in the bill.

Mr. Bryan moved to lay the amendment on the table—lost by the following vote:

Yeas. Messrs. Bryan, Burroughs, Caldwell, Doane, Grimes, Hill, McDade, Martin, Palmer, Potter, Scarborough and Superviele—12.

Nays: Messrs. Armstrong, Flanagan, Guinn, Lott, McCulloch, Maverick, Millican, Pirkey, Russell, Scott, Taylor of Cass, Truit, Weatherford, Whitaker, White, and Wren, 16.

On motion of Mr. Bryan, the report and bill were made the special order for Monday next, the 10th inst., 11 o'clock.

December 10, 1855; S. J., pp. 182-183.

A bill creating a permanent fund for the erection and support of a State University, was read.

The amendment of Mr. Lott, to strike out "a" and insert "two," before the word "university" was adopted.

On motion of Mr. Grimes the bill was amended by striking out "\$300,000," and inserting "\$500,000."

Mr. Millican moved to amend by striking out "\$500,000," and inserting "\$1,000,000"—lost.

Mr. Palmer offered "a bill to establish a State University," as a substitute.

Mr. Millican moved to postpone the consideration of the bill till Thursday, 13th December, 11 o'clock—lost.

Mr. Millican moved to lay the bill and substitute on the table—lost.

Mr. Guinn moved to lay the substitute on the table, carried by the following vote:

Yeas—Messrs. Allen, Armstrong, Flanagan, Grimes, Guinn, Lott, Martin, Maverick, Millican, Pirkey, Russell, Scott, Taylor of Cass, Taylor of Fannin, Taylor of Houston, Truit, Weatherford and Wren, 18.

Nays—Messrs. Bryan, Caldwell, Doane, Hill, McCulloch, McDade, Palmer, Pedigo, Potter, Superviele, Whitaker and White, 12.

Mr. Bryan offered a "bill to establish two universities," as a substitute for the bill.

Mr. Scott offered a bill appropriating \$1,000,000 of the five per cent, United States bonds, as an additional fund for common schools, as a substitute for the bill and substitute.

On motion of Mr. Potter, the Senate adjourned until 3.

**December 11, 1855; S. J., p. 186.**

The bill creating a fund for the erection and support of two State Universities, together with the substitutes therefor, offered by Messrs. Bryan and Scott, being under consideration on yesterday when the Senate adjourned, was taken up.

On motion of Mr. Taylor of Cass, the bill and proposed substitutes, were referred to the Committee on Education.

[H. J. had 568 pages; no index.]

[Concerning this Bill, Vol. I, of the *State Gazette Appendix*, supplements the Senate Journal as follows.]

**December 6, 1855, S. G. A., Vol. 1, Part 1, p. 79**

### State University

A bill to provide for the erection and support of a State University, being before the Senate:

MR. PALMER:—I am of the opinion that it would be to the interest of the State, and best promote the cause of education, to erect one good university at some point, to be determined either by the



people or by the Legislature of the State, which will be accessible from all portions of our country. I would prefer to have one good university—such a one as the State and the entire South may well be proud to possess. We want such an institution as will afford the most extended course of instruction; one at which our sons can be thoroughly qualified for any professional business. And I am satisfied that the state of our finances, as well as the condition of our country will not justify the erection of more than one university at this time.

MR. LOTT:—I am convinced that the appropriation proposed in the bill is a laudable one, and will be most heartily approved by the people; but I am in favor of building two universities instead of one; I believe the true interests of the people demand it, and therefore move to amend by striking out in the caption, "a university," and inserting "two universities."

MR. BRYAN:—I hope the amendment offered by the senator from Smith will not be adopted. The amount of money proposed in that bill, to be appropriated for the erection and support of this university, will be entirely insufficient for the support of two institutions of the character contemplated. If it is desirable to have two institutions instead of one, I would suggest that we had better apply the money now proposed to be appropriated to the erection of one university, and that the other institution be erected by the means obtained from the sale of certain lands heretofore donated to school purposes. I move to lay the amendment on the table.

The amendment was not agreed to.

MR. BRYAN:—I move to make this bill the special order of the day for Monday the 10th instant.

The motion was adopted.

**December 10, 1855; S. G. A., Vol. 1, Part 1, pp. 94-98**

The President announced to the Senate, that a bill entitled "An Act to create a Permanent Fund for the erection and support of a State University," was made the special order for today at 11 o'clock. At the time it was last under consideration, a motion was made by the senator from Smith (Mr. Lott) to amend by striking out "a," and inserting "two" before the word "University." A motion was made to lay that motion on the table; which motion failed. The motion of the Senator from Smith, therefore, comes up for consideration today.

The vote being taken, the amendment was adopted—yeas 16, nays 10.

MR. GRIMES:—It appears to me, sir, that three hundred thousand dollars will not be sufficient to endow two universities of the character and standing which we propose that this shall be. I

think inasmuch as we have already determined to have two institutions, that a greater donation should be provided for their support, and I am almost ready, in order to take the opinion, of the Senate, to move that the bill be amended, so as to appropriate a fund of five hundred thousand dollars instead of three hundred thousand dollars; but before I do so, I will call for the reading of the bill. (The Secretary read the bill.)

MR GRIMES:—I now move to amend the bill by striking out "three" and insert "five" before the word "thousand."

The amendment was adopted.

MR. MILLICAN:—If it is in order, sir, I wish to offer the following amendment: Strike out "five hundred thousand" and insert "one million."

The President suggested to Senator Millican, that his amendment would have been more properly in order as an amendment to the amendment offered by the senator from Grimes (Mr. Grimes.) The amendment was then rejected.

MR. PALMER:—I wish to offer the following as a substitute to the bill: "A bill to establish a State University." The substitute being read.

MR. PALMER said:—Mr. President:—In offering this substitute for the original bill, I wish to make a few remarks; and I trust they will be received in the same friendly spirit in which they are made. I live in the central portion of the State, and represent a constituency in that territory commonly known as "Middle Texas." I know not where this university will be located; but it is not likely that it will be placed in a situation that will particularly benefit my constituency. But of this I am certain; that if we ever intend to erect an institution of this kind, now is the time to do it; and I am also satisfied that if we attempt to erect two institutions, and endow them with a sufficient fund to make their literary character of the first order, that we will fail entirely; and our means will be frittered away, and nothing will be accomplished. As was well remarked by the senator from Brazoria, a day or two since—"in union there is strength;" and if we divide our means between two universities, the result will be that we will never have the satisfaction of sending our children to an institution of the very first order, of which the State and the South may well be proud. There is no subject that will claim the attention of this legislature, of so pressing importance as the one now under consideration.—It is paramount to all others. The State of Texas, and indeed the entire South, must take this subject of education into consideration, and provide better facilities for the proper education of our children in the South. During the past few years, large numbers of children have been sent out of the limits of our State, to acquire a good education. Their expenses, including board, tuition, traveling,

and incidental expenses, amount, individually, to from three to five hundred dollars per year. In this way enormous amounts of money are annually carried out of our State, and a large portion of it is expended among those who are enemies to southern institutions, and where our children are in imminent danger of imbibing doctrines antagonistic to our social institutions, and subversive of the dearest rights of the South. But the State is already doing much to provide itself with schools of a primary character. What we want now, is an institution where the highest classical studies can be pursued—an institution in which our children can be educated in every grade of profession and literary attainment to which they may aspire. And as certain as we divide our strength between two institutions, we will fail to accomplish the purpose for which the bill is intended. It does seem to me that every section of our State should have an equal voice in determining where this institution shall be. I do not care, for my own part, where it is located—whether you locate it in the Eastern, the Western, the Northern, or Southern portion of the State; place it where you will; but for heaven's sake, let us have some point at which our children, from all parts of the country, can assemble and associate together; at which they will receive the benefits of a liberal education, and will form mutual and permanent attachments that will never be severed. The mutual friendships formed at this institution, will be one of the strongest ties that we can possibly have to bind the different portions of the State together. I do hope that we will have one University that will be the pride of the State of Texas and the South; and for the reason I prefer to see but one institution erected, and the location of that left to be determined on joint ballot of the Legislature, or to the vote of the people: so that we can have at least one institution at which our children can assemble from all portions of the State, and obtain such an education as will sustain and qualify them for any profession or occupation in which they may wish to engage.

Our means are not sufficient to support two universities. We shall have to expend at least one hundred thousand dollars to provide for the erection of suitable buildings. And how, I ask, shall the professors be paid, and other expenses be met? The University of Virginia has an annual appropriation from the State of ten thousand dollars to pay her professors, although more than six hundred students attend that institution every year. How are we to obtain a like sum to pay our professors? If we establish two universities, we double the amount of expense. The professors for one institution could give instruction to as many students as two corps of professors would be likely to do in two universities. One professor can attend to a class of one hundred just as well as

a class of twenty or thirty. Expending one hundred thousand for the erection of buildings for two institutions, we would have left one hundred and fifty thousand dollars of the amount appropriated. The annual income of this fund, at an interest of five per cent per annum, will amount to seven thousand five hundred dollars, which will give three thousand seven hundred and fifty dollars for the payment of each corpse of professors. But if we expend this money in the payment of but one body of professors, it will be amply sufficient to pay them liberally, and provide for a permanent fund to sustain and keep in flourishing condition one State University.

MR. RUSSELL:—I trust, sir, this substitute will not be adopted. I agree with the senator from Harris (Mr. Palmer) that it should be the policy of the State to encourage the establishment of literary institutions in the State; that our children should be educated at home where there will be no danger of their imbibing sentiments unfavorable to our social organization and prejudicial to the interests of the South: but I do really distrust the propriety of entering into this arrangement at this period of our history. We have no facilities for transportation, no speedy means of locomotion from one section of the State to another, and no well matured system of internal improvements. It appears to me that we should first establish some system of internal improvements that will develop the resources of our State, before we undertake to establish universities. Besides, we are not yet out of debt. We should provide some way of removing the heavy clog that is now weighing us down and retarding the progress of our State. At the proper time I believe the arguments presented by the senator from Harris would be incontrovertible. But if this work must be commenced now, I am in favor of building two institutions. We certainly have ample means. We have a rich soil, the finest climate in the world, the largest State in the Union, and soon destined to become the Empire State of the South, and surely we are able to support at least two State Universities. I care but little whether we establish them now or not, I think the time has not arrived when we should enter into this arrangement.

MR. FLANAGAN:—Although I reside in the east, I must be permitted to differ with the gentleman from the west (Mr. Palmer), who says he occupies the middle ground. I think the time has arrived when we can well support two universities—splendid ones, sir, just such as are desired, and just such as the young mind, now growing up in the State of Texas, demand. Such an one will redound to the honor of this great and rising State. The bill now proposes to appropriate the sum of five hundred thousand. Now if this appropriation should hereafter be found insufficient to support two institutions, certainly we can appropriate additional amounts as it may be required. The senator from Harris offers



a substitute for the original bill, which asks for an appropriation of two hundred and fifty thousand dollars. Now the question presents itself in a twofold sense. Have we five hundred thousand dollars to appropriate, as contemplated in the original bill? Then if two hundred and fifty thousand dollars will build the edifice, as was most beautifully portrayed by the Honorable Senator, will not the same be sufficient to erect an edifice for another university? The question is clear; most assuredly it will. They will be rival institutions and will mutually co-operate to build up and sustain each other. And then sir, as much as is said about our mighty territory and our mighty State, it is all true; and the day is not distant when this mighty State may be divided into two. I think it is a reasonable supposition. To say the least, it is not an unreasonable one.—I know it is contemplated by many that it will eventually take place, and at the same time is looked upon unfavorably by others. I know not what my own feelings would be on this subject were I called upon to cast my vote on that subject. But that does not touch the point in question. In the event of a probable division of the State, at some future period, is it not proper that there should be two universities established?—one located in the east and one in the west. I am ready to cast my vote liberally to build up the west. I have ever done so; I will do so the present session or at any future time. Nothing reasonable shall be asked to promote the interest of the west that I will not liberally and freely vote for. Then I ask that senators manifest the same spirit towards the east. Now what does this bill, providing for but one university, amount to? Pass that bill and leave the Legislature to determine its location, everybody can see at once where it will be located. It will be in the city of Austin. Now I have no objection, heaven knows, against having one located in Austin; but at the same time I want one also in the east. I ask it for the benefit of the east. I demand it in the name of those who have a right to demand it, and that equal justice may be meted out to us. We have abundant means to erect two institutions, and now is the time to take preliminary measures for establishing these institutions. There are no public lands in the east; they are in the west; and in the event of a division of the State, the west will have every thing. She will have the university—that is all right and proper. But let us look to the east; let us consider that she is entitled to something. That if an institution, of which we may well be proud, is located in Austin, that a similar one shall be erected in the east, and upon the principle of the anecdote of the wag, we shall build up two institutions. The wag upon hearing that a cooking stove would save in a family one half of the fuel commonly used, he replied that he would buy two and save all. Thus if we build two universities we will save all the money paid out for educating the

young men of the State east and west, for with the two none will leave the State. Place only one in the west and it will be so remote from the east it will not answer the desired object.

MR. MILLICAN:—I move to postpone the further consideration of this bill until Thursday, 13th December, 11 o'clock. Mr. President, I do not believe we are prepared at this time to act on this bill. It is true, sir, I am opposed to building either one or two universities. I do not think the time has yet arrived when Texas is required to appropriate several hundred thousand dollars for the support of a university. So far as stoves are concerned, I do not think we are needing them just now, as we have but little to cook. We should take steps to secure a system of common schools, where the children of the entire State can acquire the rudiments of instruction. This is what we need. Our children are not qualified to enter universities of the first order, and such an one would be of little service to us if we had it. I know a number of individuals in my region of the country who are living in sight of one of the finest universities in the State, but sir, they have not got the means to share its advantages, nor are they prepared to enter it as students. They are not considered fit to associate with students of wealthy parents who assemble there; notwithstanding they were born on Texas soil, within sight of the location on which the institution stands. Yet they are scoffed and sneered at by the proud popinjays who collect there to enjoy the munificent privileges of a university!—I object to building a State University because it will build up a class of aristocrats in the country. The object of it is to create an aristocracy in our own State, where it already prevails more than anywhere else.

MR. BRYAN:—It appears to me, sir, that the reasons assigned by the Senator from Rusk (Mr. Flanagan) for building two universities, are not good. He alludes to a division of the State, and endeavors to derive an argument in favor of erecting two institutions, from that source. I do not like to contemplate the prospect of such a division, and hope it may never take place. I believe one university will do much to bind the two portions of the State together in the indissoluble bonds of friendship and affection. There are a great many children of our State now receiving their education at distant schools. They carry with them there four or five hundred dollars each, which is expended beyond our borders; much of it is distributed among those who are enemies to our institutions, and will spare no pains to instil into the minds of our children doctrines and prejudices antagonistic to the opinions of the South. Let us build up an institution at home, where our children can be educated, and avoid the necessity of sending them away to other institutions. I trust and hope that those who have been advocating the building of two universities will abandon it. The original bill

merely proposes to set aside a certain fund for the building of a State university, but does not define the time within which the university shall be established.

MR. MILLICAN:—It is very true, sir, that large sums of money are expended in the education of our children, who are sent beyond the borders of our State to complete their education; but they are generally sent to their friends and relations who reside near good institutions of learning and not among those who are our personal enemies, and those who are opposed to our social organization. I am opposed, however, to a division of the State because in that operation she will have everything to lose and nothing to gain. I do not think the establishment of one university would operate to unite the different sections of the State, which some Senators fondly imagine it will, but rather, it will have directly the contrary effect, to get up feuds and dissensions, by arousing the feeling of sectional prejudices which, in time, will ripen into deadly hatreds and animosities. If we are to engage in this business at all, I am in favor of having two universities instead of one.

MR. FLANAGAN:—I arise to make a few remarks in reply to the Senator from Brazoria (Mr. Bryan). I think I can give an illustration that will at once settle the question between us. He says, in alluding more particularly to my former remarks on this subject, that it is for the purpose of uniting the different portions of the State more strongly together, that he is in favor of establishing but one university. I am reminded, sir, of the fond and affectionate father, who is in possession of a large fortune and who has several sons. In course of time they arrive at mature years and wish a pittance to set up in the world for themselves.—But the old gentleman is exceedingly anxious that they remain with him; and fearful that they will not do so if amply provided for, he will not so much as give them a horse and saddle; thereby depriving them of the means of traveling. Now the Honorable Senator reasons in this wise: that if we appropriate funds for the establishment of an university in the east as well as in the west, that the east will sever from us; but so long as we can keep them subservient to this portion of the country they will never attempt a division of the State. As was well remarked by the Senator from Brazos (Mr. Millican,) if the spirit of appropriating everything to the benefit of the West is continued to be manifested, the separation of the State will most assuredly be brought about; but if a spirit of conciliation is manifested towards the east, and full justice is meted out to that section of the State, we may cling together through all time to come. A contrary course of action will most assuredly engender a spirit of antagonism between the two sections that will ultimately sever this State. It may come at no distant day. But be that as it may, it is nothing

more than right and just to consult the interest of the east. I demand, in the name of justice, that an appropriation be made for the erection of an institution in the east as well as for one in the west. I ask it in the name of those who have a right to ask it, and I hope it will be cheerfully granted. There can be no valid objection against it. Let us have an institution to accommodate the people of that portion of our State, and I care not where you locate your institution in the west. Now is the time to establish these universities. Our children are growing up and will soon be ready to enter such institutions. We have abundant means at hand, and every thing conduces to make this the proper time to commence this glorious and beneficent work.

MR. TAYLOR, of Cass:—If I understand the original bill, it appropriates a certain fund for the erection of two universities; and the substitute proposes to endow but one university. I prefer the original bill, and I agree with other Senators that this is not the proper time to establish these institutions. I believe it is to the interest of the State, however, to set aside a fund, to be devoted to the establishment of institutions of learning, at some future time, especially as it can be done by appropriating United States bonds, which are bearing interest, and incur no loss to the State. We will then have the funds by us, and they will be ready for use whenever it may be thought necessary, in the opinion of the Legislature, to establish these institutions. It is true now is the time to take preliminary steps towards securing this fund, but I think before we endow these institutions, and put them into existence, we should perfect our common school system, that we may bring up our children in the full knowledge of the primary branches of learning, that they may be properly qualified to enter the universities we are proposing to build. I cannot see that it is the duty of this Legislature to endow a university at this time. As allusion has already been made to the probable division of the State, I think it is highly important, and nothing more than justice demands, that an institution should be established in the East as well as one in the West. The people of that region of the country expect it. They expect it because they have a right to expect it from previous legislation in donating fifty leagues of land for that purpose. I hope when this thing shall be consummated, that there will be endowed two institutions, one for the eastern and one for the western portion of the State.

MR. GRIMES:—I greatly prefer the original bill to the substitute offered by the Senator from Harris. It appears to me, however, that if the substitute is adopted, it should undergo some amendment. It should specify the place at which this institution should be located. I do not know that Texas has the means at this time to endow two institutions with a sufficient fund to make their literary character of the first order. I do not believe the children of Texas



are prepared for an institution of the character we are contemplating that these shall be. I am not one of those who believe the time will ever come when this State will be divided. There is one short word that will, in my opinion always hold the different sections of this State together, and that is the word "Texan." I cannot believe that any portion of the State will be willing to give up that endearing name to all true Texans.

MR. MILLICAN:—So far as the universities are concerned, I say, if it has to be done, in the name of common sense let us have two. I am opposed to having any, but if we can build one we can build two. I am perfectly aware of one thing, and that is, that the proud and the wealthy will be the beneficiaries of these universities; and that the great majority, the masses of the people, will derive but little benefit from this great outlay of the means of the State. Let us bring up our children with proper qualifications for entering these universities before we take hasty steps in appropriating large amounts for the endowment of them. I believe the building of but one institution would do more than anything to cause a division of the State. I believe the eastern portion of the State has a right to demand that an institution be located in that region of the country. Let us consult the interest of all in this matter.

MR. BRYAN:—The bill provides that the Legislature shall decide as to where the University shall be located. It does not say whether it shall be located in the East or West; that it seems to me, obviates the objection.

MR. WHITE:—The substitute meets my earnest approbation. I have no anxiety about the place of its location. I am perfectly willing to let that be determined either by the Legislature or by the people. But I am anxious that but one university shall be established, for the reasons already given by other Senators—that it may be the better endowed, that it may tend to the unity of the State, and the harmony of the citizens throughout the State. There is nothing more certain than that children reared up at the same point are more attached to each other than those who are brought up at different places, with all the prejudices and animosities which array the people of one section against another. The distinctions of the location, the two institutions—one in the East and West—would of itself be sufficient to create a rivalry and antagonistic feelings between the students of each. I am in favor of endowing but one State university for another reason. We can appropriate a larger fund for its support, and I want this institution to have such a literary character, and be of such an order, as that a scholar who has graduated there may boast of it, and that he will feel that it is as much honor for him to be educated and graduated at that institution as at any other, either North or South. I want to see it

of such a high literary order as will reflect honor and credit on this State and the entire South.

MR. MAVERICK:—Sir, I take no interest in the details of the bill. The measure itself is wrong. I protest against the whole thing as wrong, as monstrous. The country does not want either one or two universities. And if we had a university, there is far more likelihood that it would have to be abated as a nuisance than that we should desire another one. What, half a million of dollars for one or two universities, before we have built two school houses, or put in operation one school for the space of a year! Whose money is this? And have we or not changed the principles of our government? If we have not, then, I presume that the people will put a stop to this contrivance of the enemy. It is so self-urgent, that it is unnecessary to urge that the country requires, and ought to have, as soon as can be, a well digested plan of education. The schools must reach all, and satisfy the wants of all. After they shall have succeeded for years, it will then do to advance to academies and universities. If put on foot before the people call for it, a university, not being wanted by the public, or properly constituted, will be sure to set itself up as a secret, malignant enemy of the people. It is curious, too, that we must begin with a university, so nice, so fine, and so religious. Sir, there is a mistake in this calculation, I trust. And look out to see if some wiseheads are not hit, and bumped badly against these high and mighty walls of humbuggery. Sir, after elementary schools shall prove to be successful and universal I trust that in this progressive time it will really not be long before we shall naturally have what I now regard as so inopportune. I trust we shall pick up experience and do more and better than we yet have with our schools. The public ought to move in the matter of school houses, and require legislative aid if necessary. If left to a popular vote, how much more preferable to a university would be found academy buildings throughout the villages of the State. My best hopes would be fulfilled if I could be permitted to see, spread abroad, common schools and common sense, school books and slates, in old time, dear innocence. Then will be the time, and it will be directly, I hope, when we shall be cutting some high shines. When the people want one, ten, or twenty universities, I hope there will be no difficulty in getting them. And when made at their bidding, and out of the materials furnished by the people, our universities will not be like some others, I trust, supported by the public, but standing in opposition to the dearest rights of the public, nurseries of imbecility, impudence, ignorance, and arrogance. Such and so rank are the offences of West Point, and other high schools and universities, that ere long the public must either suppress them or transform them. Otherwise we shall shortly witness nothing less than the liberties of the people seized and usurped by men banded

together whilst sitting at the public board. The air is so heavily laden with these powerful malignities, that, in the nature of things, it cannot be long before a general explosion must ensue. When it does, truth will once more be fully known and appreciated in a clear light.

MR. ARMSTRONG:—At the proper time, I shall take great pleasure in voting for the original bill, in preference to the substitute. I shall oppose everything pertaining to the establishment of colleges in Texas, with a sincere conviction that it is bad policy for the State at the present time, and before we shall have perfected a system of common schools by which the masses of the people can be thoroughly instructed in the rudimental branches of learning. Until such a system of common schools, shall be established, I will be bound to oppose and vote against appropriations for the endowment of all institutions of a collegiate character, which have for their exclusive object the benefit of particular classes. If we erect these State universities, who, I will ask, are to be benefited most by it? It will not be the great body of the people, whose necessities should be more immediately provided for, but it will benefit those who are able to educate their children independent of colleges. And I say it is unjust and wrong to take preliminary steps towards furnishing the rich and the wealthy with ample provision for the most extended system of instruction until those who are unable to acquire even an ordinary amount of elementary instruction shall not have been provided for. I am in favor of bringing our common school system to such a state of effective operation as that the children who attend them and go through their prescribed course of instruction will be amply qualified to enter the collegiate department of literary institutions of the first order. When that shall be done, and the educational facilities shall be brought within the reach of every citizen of the State, I will be ready and willing to vote for an appropriation to endow a State university of the highest literary character, and supply it with the best qualified professors our country affords. Our children are not yet qualified to enter such an institution as we propose to establish. A man might now reside within five miles of such a college, and yet not be able to avail himself of its advantages.

Mr. President, it has been argued before this Senate with a good deal of apparent plausibility, that the establishment of a State university will be saving to the State: that it will remove the necessity of the people sending their children abroad to be educated, and the large amounts now expended for such education will be retained within the State, and that it will also obviate the practice of sending our children to northern institutions, where they are in great danger of having erroneous and ruinous doctrines impressed on their young and plastic minds. This objection is very easily answered with the fact that those who send their children to the States either North or

South, generally send them to their friends or relatives, and not among those who are their personal enemies, and who will make use of any means to poison the mind of the youthful student who may be committed to their care and control, with opinions prejudicial to our institutions. Our citizens send their children to the States to be educated, as a matter of choice, and not of necessity. The same amount of money that is expended in their education and traveling expenses would enable them to procure the best teachers at home. Then, Mr. President, I will say I am opposed to the establishment of a State university until we have provided ample means for the education of the masses of our people. It is a time-honored proposition, laid down by all philosophers and statesmen, that the foundation of every republican government rests in the intelligence of the people, that knowledge is power, and that knowledge generally disseminated is the only hope on which we can rely for the permanency and duration of government; and that when it is found that knowledge is confined to the few, and excluded from the many, our institutions are standing upon narrow and uncertain foundations. We are proposing to carry into effect a measure which will result in keeping up a distinction between the rich and poor.

The President here suggested to the Senator that the original bill was not properly before the Senate for discussion, the question pending being on the adoption of the substitute to the bill.

MR. ARMSTRONG:—I can only excuse myself for trespassing on the rules of the Senate in proceeding to the discussion of the main question, by remarking that several Senators who have preceded me have discussed the merits of the bill pretty fully. The question, as I understand it, which is now properly before the Senate is, whether we shall have one or two State Universities. I am happy to know that several Senators are of the same opinion as myself in regard to the propriety of engaging in this business at this time. I had expected that I would be the only Senator who would raise his voice against this measure. How many of those who are now citizens of our country, of those who came here many years ago and participated in our revolutionary struggles, will be the beneficiaries of the State University? Comparatively few. Their children are not prepared to enter such an institution, and those who are now able to educate their children anywhere will come in and share its advantages.

Mr. President, I am opposed to the establishment of collegiate institutions. I contend they are productive of more evil than good. They are generally the hotbeds of immorality, profligacy and licentiousness. We see the character of more youths corrupted and depraved in colleges; more persons who come from colleges who end their lives by committing suicide, than we do of those who come from the common schools of our country. They also have a tendency to create an aristocracy, and raise a distinction between different



classes of our citizens. It is practically carrying out the doctrine propagated by the Elder Adams in preserving the distinction between what he was pleased to term gentlemen and simpletons. Let us provide a practical and efficient system of common schools, in which the exercises shall alternate between labor and study, so that the body of the student may be developed in proportion to the advancement of the mind. This is the way to qualify our children to be of service to the country.—Our boys will become active, useful and enterprising men, who will be ready to engage in the cause, and fight the battles of our country, or in times of peace, become respectable citizens, and valuable members of society. Let us perfect our system of common schools in such a manner that every citizen in the State may have free access to its manifold blessings and privileges. I feel satisfied that the Senate will, on reflection, determine to postpone any action on this subject until some future and more favorable period.

MR. BRYAN:—I would ask the Senate to be allowed the same courtesy offered by the Senator from Williamson, (Mr. Armstrong) against the policy of the State to make donations for the establishment of universities.

THE PRESIDENT:—I would again suggest to the Senator from Brazoria and to the Senate, the impropriety of discussing the main question, as the question now before the Senate is on the adoption of the substitute, which changes very materially the features of the original bill.

MR. BRYAN:—I would ask the Senate to be allowed the same courtesy which has just been extended to the Senator from Williamson.

The Senate granted the privilege of reply.

MR. BRYAN:—The Senator from Williamson has spoken of collegiate institutions as being the nurseries of aristocratic opinions, and calculated to exert an influence to promote divisions and classes among our people, and in proof of his allegation, has referred to the evidence of the elder Adams, As a rebutting argument, I would ask, is not one who is recognized as the leader of the democratic party, the father of the university of Virginia? I allude to Thomas Jefferson. The establishment of that university he considered, next to being the author of the Declaration of Independence, as the noblest act of his life, and wished it inscribed on his tombstone "Thomas Jefferson, author of the Declaration of Independence and father of the university of Virginia." If, sir, it be aristocratic for those who have been educated at college to cherish an ardent love for literary pursuits, and an admiration of the fine arts; if it be aristocratic to cherish a love for all knowledge that conduces to happiness and well being of man, then, sir, collegiate institutions are the nurseries of aristocratic opinions. The honorable senator says that until we have perfected a system of common schools, it

will be unwise and impolitic to make appropriations to establish a State university. Sir, we have a large territory, which is sparsely settled, and it will be many years before it will be sufficiently settled up by emigrants for the people to receive such benefit from the common school system as is contemplated by the Senator. I am as much in favor of free schools as the Senator himself, but I am perfectly satisfied that there can be no free school system devised that will not remain ineffective for many years to come. It will be many years before a State university can be put into operation, if we make an appropriation now for its erection, and hence the necessity for immediate action. The Senator from Williamson seems to entertain the opinion that this university would benefit none but the wealthy of our population, that it will tend to create perverted habits, and to induce profligacy, extravagance and licentiousness among those who may study at it. I am truly sorry he entertains such an opinion of the institutions of our land. But shall we provide no means for those who wish to extend and complete their education because a majority are content to walk in the humble fields of letters? Let us give the youthful aspirant an opportunity to take higher flights in the field of letters and of science. True, there have been many great men who have distinguished themselves in the service of their country, who have come from the humbler walks of life, but they are exceptions to the general rule, and we have no assurance that the masses will ever follow their example.

MR. GUINN:—I wish to say that I endorse the principles of the original bill. I think the present the proper time to decide the question whether we shall have one or two universities. It is well known that we have a great diversity of climate in the State of Texas, and I think it will result in great hardship to the people to locate an institution in one section of the country and force the children of other sections to the necessity of traveling a great distance, and of residing in climates differing very materially from that they are accustomed to, to enjoy the benefit of this university. I would much rather risk the health of my children in my own native State in East Tennessee than to send them here to be educated in this climate, differing as it does from that in which I now reside. I do not wish, however, to intimate that this is a sickly locality, but I am perfectly satisfied that there is a greater difference between this climate and that of eastern Texas than there is between this climate and that of eastern Tennessee.

MR. PRESIDENT, it is contended that the State of Texas is not now able to erect two university buildings and endow the professorships liberally. The substitute offered by the gentleman from Harris. (Mr. Palmer) appropriates \$250,000 as a fund for each institution.

Allowing that \$100,000 will erect the buildings for each, we will have remaining a fund of \$150,000, which, at an interest of six per cent will bring in a sum of \$9,000 per annum, which may be appropriated to the payment of professors, etc. This is according to the proposition laid down by the honorable senator himself, who is so earnest in his vindication of the policy of establishing but one university, on the grounds that we are not able to erect two institutions. It has been well remarked by the Senator from Rusk, (Mr. Flanagan,) that the people of Eastern Texas legitimately expect an appropriation to establish a university for that section of the State. We only want equal justice done to all sections of the State, and I think the substitute does not propose to go so far.

MR. PALMER:—When I offered that substitute, I had no expectation of entering into a discussion of its merits, nor do I feel able to do so now. But I do sincerely hope that the Senate will consider the necessity and the importance of establishing one State university, if, indeed there is anything done at all. The objections which some Senators have urged against this substitute, are, that it requires the location of this institution to be immediately determined, and its erection commenced, I do not think worthy of a great deal of consideration. It will require at least five years to construct the necessary edifices, and put everything in operation; and sir, it is for that reason I was most anxious that preliminary steps should be taken now to make the proper appropriation, and appoint commissioners to contract for the work. If we make an appropriation for this object at all, we had as well commence the use of it at once. Senators make a most egregious mistake, if they suppose there is not a sufficient number of children in the State properly qualified to enter this institution. Sir, if that institution was erected to-day, in less than one year from this time there would be two hundred and fifty students within its halls. As regards the climate, it does appear to me that objection should not weigh on the minds of Senators a moment. If we were under the necessity of sending our children to other States, and to Northern institutions, we would undergo far greater inconvenience from a change of climate than we could from any climate in the State. The difference of climate in our own State is not between the eastern and western sections, as the Senator from Cherokee seems to suppose, but between the northern and southern portions. The inhabitants of these extreme portions might plead this objection with some degree of plausibility, but the argument that the people of either the extreme eastern or western portions of the State would suffer real hardships, I think, to say the least, is worthy of but little consideration. Children whose bodies are yet immature, suffer but little inconvenience from a change of climate. We send our children to Northern institutions without any deleterious results to their consti-

tutions on account of change of climate. It is not the climate of the North I fear, so much as I do the principles insidiously instilled into our children in those institutions. Sir, I fear far more their influence on the mind than I do the inroads of the climate upon the constitutions of those we send there. The want of facilities for travelling has also been alluded to, as another objection to the establishment of but one institution. These are constantly increasing every year, and the time is coming when we shall have ample railroad communication throughout the State, when, as I do fervently hope, we shall be bound together by bands of iron and telegraph wires, and a little stronger than those which seem to influence some members of this Senate.

Mr. President, it has been urged that two universities should be established, because at some distant day there may be a division of the State. Sir, this is the very thing I most deprecate. It is what I fear, and shall ever raise my feeble voice to prevent its consummation. Gentlemen have mistaken my motives, if they thought that I, in contending for the building of but one university, desired to make the East subservient to the West in any degree whatever. It was because I wished that there might be some point at which our children from all portions might be brought together, and associate with each other, and cultivate a feeling of mutual friendship and harmony, that would break up all sectional strifes and prejudices, and remove all desire to have a division of the State. I do not believe that the great body of the people desire any division, nor can I persuade myself that it will ever be done. Is there any Senator here who would wish that his section of the State should be excluded from claiming that name dear to the heart of every true Texian? The contest, in my humble opinion, would be far greater between the East and the West, as to which should be known as Texas than it would be for a division of the State. As was very forcibly expressed by the Senator (Mr. Grimes) I believe the word "Texian" will be enough to bind Texas in one political compact for ever. Why, sir, we had as well talk about dividing the Lone Star which has so long been the guiding light of the destinies of Texas into lesser luminaries, as to think of ever dividing the State of Texas. It has been said that colleges are the nurseries of aristocratic principles; that those who have been educated in them are not practical and useful men to their country, and that they exert an influence to corrupt and vitiate the character of those attending them. In reply to this allegation, I would point you to the distinguished statesmen and scholars of the present day, who have laid the foundation of their usefulness and greatness at collegiate institutions. As has been well remarked by the honorable Senator from Brazoria (Mr. Bryan) the ablest statesman and philosopher of the



present century was educated at a college and in favor of colleges, and is now very justly regarded as the father of liberal institutions in the United States, and went further in promoting the diffusion of liberal principles and doctrines than any other man who has lived after him. I refer, sir, to Thomas Jefferson, the author of the Declaration of Independence, who regarded the establishment of the University of Virginia next to being the author of the Declaration of Independence, as the greatest act of his life. And when he came to his dying hour, wished it inscribed upon his tombstone, "Thomas Jefferson, author of the Declaration of Independence, and of the Statute of Virginia, establishing religious freedom, and the father of the University of Virginia." Still, gentlemen of this Senate would have us believe that the establishment of colleges in our State would be the death knell to our political institutions.

Mr. President, one other argument and I am done. Senators tell us that poor children of the State will receive no benefit from this State university, that that class of children will be refused admittance within its halls. I tell you, sir, that is not the case. There is not a State University in the land but what admits a certain portion of poor students to be educated free of charge. Upon putting a university in operation, we can provide for the education of a certain number of indigent and worthy children in the institution we are now proposing to build. The great advantage resulting from such an institution will be in providing well qualified teachers for the primary schools of the country, who will go out in every direction, and engage in the profession of teaching. But above all, Mr. President, I sincerely hope that the Senate will not destroy all the benefits which are commonly derived from institutions of this character, by frittering away the means which we propose to donate on two universities, neither of which can be such institutions as we have now in contemplation to establish. I care not where you locate this institution, whether in the East or in the West. I am altogether indifferent in regard to it. I recognise no geographical lines in my views of legislation in regard to the interests of this State. It is all Texas. It is your Texas, and my Texas. It is our Texas. We should all feel one individual interest for the common weal, and should do everything in our power to promote the harmony and unity of the different sections of our State, and guard carefully everything that can have a tendency to save it.

MR. MILLICAN:—I would like to make some "further remarks in reference to this bill, but as I do not feel prepared to vote on the measure at present, I will move the further consideration of the bill be postponed to January, the 20th inst.

MR. BRYAN:—The bill has already been postponed once. It came up in regular order last week, and was made the special order for

today. Now a motion is made for the further postponement of it. It seems to me Senators are as well qualified to act intelligently on this subject as they probably will be after postponement.

MR. HILL:—I trust the bill will not be deferred. The session is advancing, and it has already occupied much time in discussion. I can see no good reason for further postponement.

The Senate refused to postpone.

MR. GUINN:—For the purpose of ascertaining the opinion of the Senate, I now move to lay the substitute on the table.

The Senate refused to lay the substitute on the table.

MR. BRYAN:—I wish to offer the following substitute. "A bill to establish two universities."

This is offered as a substitute for the original bill, which proposes to set apart a fund of \$500,000, to be appropriated at some future time to erect and support two institutions. The substitute proposed to set aside the sum of \$400,000, to be appropriated to the building of two State universities, one located in the eastern, and one in the western part of the State. The substitute also makes provision for the commencing the work at once.

MR. ALLEN:—I would call the attention of the Senate in the discussion of this bill, to the act of January 26th, 1839, entitled "An act appropriating certain lands for the establishment of a general system of education, section four of which act reads as follows: "Be it further enacted, that the President of the Republic be, and he is hereby authorized and required to appoint a surveyor, and have surveyed, on and from any of the vacant lands of this Republic, fifty leagues of land, which is to be set apart, and is hereby appropriated for the establishment and endowment of two colleges or universities hereafter to be created; and that the President is hereby authorized to draw upon the treasury of this Republic for such sum or sums of money as may be necessary to defray the expenses to be incurred by locating and surveying said lands."

Now, it appears to me, Mr. President, that the proper course to pursue would be to make a sufficient appropriation now to procure the necessary grounds, and erect the buildings for this university, reserving this bonus of land to be expended in the support of the institution hereafter. There is no good reason for not making any appropriation now, because past Legislatures have donated freely the public domain for the establishment of educational institutions. This land will be a safe investment through all time to come, and will be subject to the action of any future Legislature.

MR. SCOTT:—I have not yet taken any part in the discussion of this question, nor did I intend to say anything on this subject; but as it has been so fully discussed by other senators, I feel called upon to define my position at least. A great deal has been said in

relation to this subject, much of which I cannot assent to. I agree, however, with the Senator from Bexar (Mr. Maverick) in the opinion that we should first direct our efforts and means to perfect an efficient practical school system.

It has been said in the course of the discussion that the erection of one magnificent university in a central position would have the effect of binding together more firmly the people of our State; to this I dissent; centralism will not do for governments nor schools; its effect, as applied to governments, is to produce dissatisfaction in the remote and integral parts, and will cause dissatisfaction, and sometimes revolt and desolation; and as to schools, nearly the same cause for dissatisfaction would arise, and I am sure that instead of binding the people more closely, it would have the effect to alienate their affections because of the inequality of the benefits arising therefrom.

The interests of the rising generation are dependent on a particular system of common schools to obtain the ordinary amount of elementary instruction. And shall we blindly pass by their necessities, and appropriate several hundred thousand dollars to erect and endow an institution from which but comparatively few of the people of our State will derive any advantage whatever? Shall we prove forgetful of the demands of justice, and recreant to the interests of our constituents, and to those who are to live after us, and to perpetuate the rights and institutions transmitted to us from our fathers, through all future time? Will the people sustain us in this enterprise? I feel firmly convinced that they will not; and in addition to this, what right have we to appropriate the money of the whole people of the State to the support of a State university which, as every one must know, will be of no advantage to the masses of the people? It will benefit the wealthy classes only, and they are amply prepared to educate their children anywhere they may choose, at their own expense. I do not believe we have the right to make such an appropriation, nor do I believe the people will sanction such a course of action; but on the contrary, they will hold us strictly accountable for this reckless piece of extravagance and folly.

Sir, if an appropriation for this object has to be made; if Senators will insist on establishing a university or universities at this time, I am in favor of building two institutions instead of one. I conceive that they would be of more advantage to the people, one being located in each division of the State, than one would be located in the central portion. I do hope, however, that Senators will take into consideration the vast importance of establishing a system of common schools. If our school system is now imperfect and fails to accomplish the object for which it was intended, let us

go to work and perfect it. Let us bring it to that state of perfection, that every child in the State will be given a good practical education. And after we shall have done this, after we have secured ample facilities for the instruction of the masses, we will have abundant time and opportunity to erect an institution or institutions that will be an honor to the State.

Mr. Scott offered a bill appropriating \$1,000,000 of the five per cent. United States bonds as an additional fund for our common schools as a substitute for the bill and substitute.

On motion of Mr. Potter the Senate adjourned.

Dec. 11, 1855, S. G. A., Vol I, Part I, p. 98

State University

The Senate had under consideration at the time of its adjournment on yesterday, a bill to create a fund for the erection and support of a State University. The question pending was on the adoption of the substitute offered by the Senator from Harrison.

MR. POTTER:—I would enquire, sir, if it be in parliamentary order to receive this substitute as a substitute for the original bill? I understand the bill provides for the appropriation of a special fund to erect a State University; while the substitute proposes to set aside one million dollars as fund to be appropriated for the benefit of common schools. It appears to me that the bill and substitute have separate and distinct objects in view, and are altogether dissimilar in character.

MR. SCOTT:—The Senator from Galveston seems to think the substitute out of order. I cannot think so; but on the contrary, I think it directly in point. The subject of education is properly before the Senate and appears to me, sir, that we should begin at the foundation and provide first an effective and satisfactory system of common schools; after which we may more legitimately legislate for the establishment of institutions of a higher order. I shall then be as much in favor of building colleges as any member on this floor.

THE PRESIDENT:—I remark that the opinion of the Senate would be determined by putting the question on the adoption of the substitute. I am not fully decided that the substitute is out of order and would prefer it should be left to the opinion of the Senate.

MR. POTTER:—It strikes me sir, that the adoption of the substitute would, in effect repudiate the subject now under consideration before the Senate. I am as much in favor of common schools as the gentleman from Harrison. I have always believed in log cabins and have acted on these principles throughout my whole legislative course. It was only a point of order with myself that I made the question.



MR. BRYAN:—I am perfectly satisfied the substitute is out of order, and if it should be adopted would change entirely the nature of the subject now under consideration.

MR. TAYLOR of Cass:—I think the better way to dispose of this matter is to refer both the bill and substitute to the committee on Education and let them take into consideration the whole subject. Perhaps they will be able to propose a bill that will be satisfactory to the Senate. I will move that the bill and substitute be referred to the committee on Education.

The motion being put the reference was made.

## **SIXTH LEGISLATURE, ADJOURNED SESSION, JULY 7, TO SEPTEMBER 1, 1856**

### **PROCEEDINGS IN THE LEGISLATURE**

H. B. 27—By Mr. Reeves.

To authorize the Governor to cause the unlocated balance of the University lands to be located.

Came from the House Aug. 28. S. J. p. 381. Presented to Governor, Aug. 29, S. J. p. 396. Became a law.

O. B. 119—By Mr. Reeves.

To authorize the disposition and sale of the University lands.

**Aug. 20, S. J., p. 302.**

A message was received from the House informing the Senate that the House had passed the following bills originating in that body: a bill authorizing the disposition and sale of the University Lands.

**August 22, S. J., p. 317**

A bill was introduced authorizing the disposition of the University lands; read a 1st time.

Rule suspended, bill read 2d time and referred to the committee on Education.

**August 27; S. J., p. 354**

Mr. Bryan, Chairman of the committee on Education, made the following report:

The committee on Education to which was referred "A bill to authorize the disposition and sale of the University lands, have considered the same and instruct me to report the bill back with the accompanying amendments, recommending their adoption and the passage of the bill.

Amendments: Fill the blank in 7th section with \$8.00.

Insert at the end of 12th section, the words, "provided that said bid shall not be less than \$3.00 per acre."

On motion of Mr. Allen, the rule was suspended, the bill and report taken up, read, and the report amended by striking out "\$8." and inserting "\$5."

The report was then adopted and the bill passed to 3rd reading. Rule further suspended, bill read 3rd time and passed.

**July 14; S. J., p. 38**

S. B. By the Committee on Education.

To create a fund for the erection and support of a University.

Read; on motion of Mr. Bryan made the order of the day for Tuesday the 22nd instant.

**July 22; pp. 88-90**

A bill to establish a State University, together with the report of the committee on education, offering a bill appropriating \$400,000 as a permanent fund for the erection and support of a State University, as a substitute was read, and substitute adopted by the following vote:

Yeas—Messrs. Allan, Bryan, Burroughs, Caldwell, Grimes, Lott, McCulloch, McDade, Palmer, Pirkey, Potter, Scarborough, Taylor of Cass, Whittaker and White—15.

Nays—Messrs. Armstrong, Flanagan, Guinn, Martin, Maverick, Millican, Pedigo, Russell, Scott, Taylor of F; Taylor of H; Truitt, Weatherford, and Wren.—14.

Mr. Flanagan offered the following amendment, "and that \$200,000 shall be appropriated to the building of a university in the 1st congressional district of the State, which said university shall be located at any place in said district that a majority of the voters may designate."

Mr. Potter offered as a substitute for the bill and amendment, "A bill setting apart four hundred thousand dollars for university purposes." Adopted by the following vote:

Yeas—Messrs. Allen, Bryan, Burroughs, Caldwell, Grimes, Lott, McCulloch, Palmer, Potter, Scarborough, Taylor of Cass, Taylor of Houston, Whitaker and White—14.

Nays—Messrs. Armstrong, Flanagan, Guinn, Martin, Maverick, Millican, Pedigo, Russell Scott, Taylor of Fannin, Truitt, Weatherford and Wren—13.

Mr. Armstrong moved to amend the 1st section of the bill by adding — "and that said \$400,000 be distributed among the several counties of the state, according to white population, to be loaned to any counties for the construction of Rail Roads, using the interest for the purpose of common schools."

The President ruled the amendment out of order:

Mr. Taylor of Cass offered the following amendment, "Sec. —, and that the sum of three hundred thousand dollars be and the same is hereby set aside and appropriated, for the erection of an insane asylum, to be located in the eastern congressional District.

On motion of Mr. Burroughs, the amendment was amended by striking out \$300,000 and inserting \$100,000.

Mr. Palmer offered the following as a substitute for the amendment as amended—"And the sum of \$100,000 for the purpose of establishing one or more insane asylums, to be established as hereafter determined by law."

On motion of Mr. McCulloch the amendment and substitute were laid on the table.

Mr. Lott moved a re-consideration of the vote adopting the substitute offered by Mr. Potter, lost by the following vote:

Yeas—Messrs. Flanagan, Guinn, Lott, Martin, Millican, Pirkey, Russell, Scott, Taylor of Fannin, Taylor of Houston, Truitt, Weatherford and Wren—13.

Nays—Allen, Armstrong, Bryan, Burroughs, Caldwell, Grimes, McCulloch, Merrick [Maverick], Palmer, Pedigo, Potter, Scarborough, Taylor of Cass, Whitaker and White—15.

Mr. Armstrong offered the following amendment, "strike out the word "university" wherever it occurs in the bill and insert "common schools in the several counties of the State."

On motion of Mr. Allen the amendment was laid on the table by the following vote:

Yeas—Messrs. Allen, Bryan, Burroughs, Caldwell, Grimes, Guinn, Hord, Lott, McCulloch, McDade, Palmer, Pirkey, Potter, Scarborough, Taylor of Cass, Whittaker and White—17.

Nays—Messrs. Armstrong, Flanagan, Martin, Maverick, Millican, Pedigo, Russell, Scott, Taylor of Fannin, Truitt, and Weatherford—11.

Mr. Flanagan offered the following amendment, strike out all that conflicts herewith, and add, "of State Universities, one of which shall be in the first political division of the State, being the first congressional district, at any place that may be legally designated, and the 2d shall be located similarly, in the second political division."

Mr. Palmer moved to lay the amendment on the table. Lost by the following vote:

Yeas—Messrs. Allen, Bryan, Burroughs, Caldwell, Grimes, Hord, McCulloch, McDade, Maverick, Palmer, Potter, Taylor of Cass and White—13.

Nays—Messrs. Armstrong Flanagan, Guinn, Lott, Martin, Millican, Pedigo, Pirkey, Russell, Scott, Taylor of Fannin, Taylor of Houston, Truitt, Weatherford, Whitaker and Wren—16.

July 24; S. J., pp. 106-107

A bill setting apart \$400,000 for University purposes—special order for to-day, was taken up and read.

On motion of Mr. Flanagan, a call of the Senate was ordered.

The Senate being full, the consideration of the amendment offered by Flanagan to the bill was resumed.

The amendment was then rejected by the following vote:

Yeas—Messrs. Armstrong, Flanagan, Guinn, Lott, Martin, Maverick, Millican, Pedigo, Russell, Scarborough, Scott, Taylor of Fannin, Taylor of Houston, Weatherford and Wren—15.

Nays—Messrs. Bryan, Burroughs, Caldwell, Grimes, Hill, Hord, McCulloch, McDade, Palmer, Pirkey, Potter, Supervielle, Truitt, Whitaker, and White—15.

On motion of Mr. Truitt, the vote rejecting the amendment was reconsidered, and the amendment was again rejected by the following vote:

Yeas—Messrs. Armstrong, Flanagan, Guinn, Lott, Martin, Maverick, Millican, Pedigo, Russell, Scott, Taylor of Fannin, Taylor of Houston, Truitt, Weatherford and Wren—15.

Nays—Messrs. Allen, Bryan, Burroughs, Caldwell, Grimes, Hill, Hord, McCulloch, McDade, Palmer, Pirkey, Potter, Scarborough, Supervielle, Taylor of Cass, and Whitaker—16.

Mr. Martin offered the following amendment:

Strike out "Universities" and insert "to be located at Tehuacana Springs, in Limestone County."

Laid on the table by the following vote:

Yeas—Messrs. Allen, Armstrong, Bryan, Caldwell, Grimes, Guinn, Hill, Hord, McCulloch, McDade, Maverick, Palmer, Pedigo, Potter, Scarborough and Supervielle—16.

Nays—Messrs. Burroughs, Flanagan, Lott, Martin, Millican, Pirkey, Russell, Scott, Taylor of Cass, Taylor of Fannin, Taylor of Houston, Truitt, Weatherford, Whitaker and Wren—15.

On motion of Mr. Flanagan, the bill was then laid upon the table by the following vote:

Yeas—Messrs. Armstrong, Burroughs, Flanagan, Grimes, Guinn, Lott, Martin, Maverick, Millican, Pedigo, Russell, Scott, Taylor of Cass, Taylor of Fannin, Taylor of Houston, Truitt, Weatherford, White and Wren—19.



Nays—Messrs. Allen, Bryan, Caldwell, Hill, Hord, McCulloch, McDade, Palmer, Pirkey, Potter, Scarborough, Supervielle and Whitaker—13.

Aug. 23; S. J., p. 330

O. B. 187—By Mr. Palmer.

To establish a State University.

Mr. Palmer introduced a bill to establish a State University; read 1st time.

Rule suspended, and bill read 2d time.

Mr. Armstrong moved to refer the bill to the Committee on Education—lost.

Mr. Flanagan moved to amend by striking out "suitable place" and inserting "Tyhuacana Springs,"—lost.

Mr. Caldwell moved to strike out "Brazos" and insert "Colorado."

On motion of Mr. Taylor of Cass, the previous question was ordered.

The bill was then ordered to be engrossed.

Rule suspended, bill read 3d time, and passed.

[The State Gazette Appendix supplements the Senate Journal as follows:]

July 22, 1856; S. G. A., Vol. I, Part II, pp. 43-45

The Senate took up the Report of the Committee on Education, on a bill to provide for the erection of a State University.

The Committee offered a substitute for the original bill, which provides that the sum of \$400,000 of the United States indemnity bonds be set apart and appropriated to the erection of a State University.

On motion, the substitute was adopted.

Mr. Flanagan offered an amendment, that two hundred thousand dollars be appropriated to building a University in the [First] congressional District of the State, which shall be located at any place which a majority of votes shall designate.

Mr. Bryan made an eloquent and patriotic speech, deprecating any sectional action in disposition of the University fund.

MR. LOTT:—Mr. President, I desire to make a few observations in reference to the amendment now pending, and in doing so I will remark that I am well pleased with what has been said by the distinguished senator from Brazoria (Mr. Bryan) on the subject and policy of educating our children at our own institutions.

The only difference between us is, that I believe the fund now proposed to be appropriated to University purposes for the education of the rising generation, should be done in such manner as

to leave no cause for legislation on this subject hereafter. To distribute this fund equally between the Eastern and Western portions of the State, I trust no sectional feeling will be aroused. It is not a subject, in my humble opinion, calculated to engender strife and foster sectional prejudices between the two grand divisions of the State; for it is a question that claims the consideration of each and every individual in the State at this time, but we find that at the earliest period in our history, in 1839, the Republic of Texas enacted a law to set apart and reserve from the Public Domain fifty leagues of land for University purposes. And we find further, that even at this early period, instead of these lands being appropriated for the erection and endowment of "A State University," the law expressly provides and declares that it is set apart for two universities, one to be located in the Eastern division of the State and the other in the Western division.

It is the object of this Legislature to appropriate the sum of 400,000 dollars as permanent fund to carry out the objects contemplated in the passage of that law. It appears to me, sir, it is the intention of this Legislature to appropriate this fund to educational purposes that no injury can result to say it shall be set apart for two Universities.

And again, this fund may not be applied to the purposes for which it is appropriated for many years to come, perhaps the Senators who are now living will have passed away and another generation shall enter upon the stage of action, when it will be pleaded that this fund was appropriated by this Legislature to one University, unless the contrary is expressly declared.

It has been argued by the honorable Senator from Brazoria (Mr. Bryan) that 400,000 dollars will not be sufficient to erect and endow two Universities. But this fact must not be forgotten that the people will come up, and emulated with a noble desire to secure the establishment of magnificent institutions, will subscribe two or three hundred thousand dollars, in addition to the two hundred thousand dollars now appropriated by this bill. The people in the vicinity of these Universities will feel a deep and abiding interest in all these institutions; they will watch over them and do everything in their power to make them such institutions as will be an ornament to the locality in which they are located and an honor to the State of Texas.

I trust then, sir, in view of all these considerations in favor of establishing two Universities, this Legislature will endeavor to carry out the policy of the law of 1839, appropriating 50 leagues of land to two State Universities. The funds belongs to the people of the State, to the East as well as the West, and it is nothing but sheer justice to the East that they be allowed one State Univer-

sity. And again, Mr. President, there are strong considerations that should induce us to take action on this subject. We now have the money. Sir, it belongs to the people of Texas, not to any particular locality or city, and should be appropriated with reference to the great mass of the people. They claim it, sir, as they have a right to do. We cannot dispose of it more appropriately, more honorably than to set apart four hundred thousand dollars for the endowment of two State Universities, and there are strong reasons why they should be located at an early period. In the first place, sir, as has been well observed, we are daily sending our sons and daughters to the North to acquire an education that will fit and prepare them to act their proper sphere, assume the levied responsibility of this government, to enable them to appreciate its blessings, to enjoy and perpetuate the rich boon that have been handed down to us, and when the wheel ceases to turn—that we may transfer it to them with its original purity as it came from the hands of our fathers. We should recollect that the early provisions [pioneers] of the Lone Star are passing away one by one—they will soon be gone. The condition and circumstances in life have not been such as to enable them to educate their children, their posterity have been neglected; they have stood upon the watch tower whilst many of us have slept; they have gallantly fell while fighting the battles of your country—far from home in distant climes, without the parting admonition of a dying husband or father. The posterity of such spirits, are entitled and should receive the fostering care of this government. They are jewels that have been plucked from monuments of wisdom and virtue. But, Mr. President, how stands the case? Here we have a princely inheritance, the result of their long struggles, the clangor of their arms have long since passed away. Twenty years and over have rolled around; their children are growing up in our midst; in most cases destitute of means, without the advantages of even a common education; in many instances ignorant, entirely ignorant of the history, or gallant deeds of their fathers; and here we are scrambling for a small pittance, the sum of four hundred thousand dollars, for educational purposes, or the endowment of Universities. It would be a devout, a most glorious appropriation—let us first appropriate the money. One to be located East and the other West, and if the Legislature can not amicably locate them, let the people do it at the ballot box, speedily and without mangling amongst ourselves. I believe the people will add rich fund to the appropriation, in land and money, and will light up a torch that will illuminate the State; that will dispense knowledge, that will be of lasting and permanent good to the State.

It is a propitious time—knowledge is power, and we should keep steadily in view that which alone can make us a prosperous and happy people.

MR. MILLICAN—Mr. President, my view upon the policy of establishing a State University has been repeatedly made known to you, but for fear they may be misunderstood on this occasion, I desire to make a few remarks, merely to say that I occupy the same position I held when this subject was before this body last session; that it is not now expedient for the State to invest her funds in a measure of this kind. I voted, then, against a bill making an appropriation of 400,000 dollars for a State University. My constituents have fully endorsed that vote and believed I acted as a wise and patriotic Legislator should act, with due regard to future prosperity and honor of our State.

I object to the appropriation being made, because I believe the time has not arrived when the children of the State actually require an institution of the high grade which this State University is to be. I object to it, because, only a very small proportion of the people can, or will, avail themselves of the advantage of such an institution, and those that can be benefitted by it, are of that wealthy class, who are abundantly able to educate their own children at their own expense without the aid of the State.

I will remark, however, that should it be the policy of this Legislature to appropriate a fund for this object, I am willing to vote for the amendment offered by the Senator from Rusk, which provides for two State Universities.

MR. FLANAGAN—Mr. President, I have listened with unfeigned pleasure to the eloquent appeal of my worthy friend, the Senator from Brazoria, (Mr. Bryan) in which he calls upon me to respond to him in a liberal and patriotic spirit. I co-operate with him in the perfection of this truly great work. I respond to the honorable Senator, that I desire to do so, and in the kindest possible feelings. As to sectionalism I am aware it is abroad in our State; jealousy has been aroused between the Eastern and Western dominions of the United States, and, sir, I deeply deplore the existence of such a State of things; yet I think I am free from sectional bias in my action upon this important subject as I have been upon all others. My votes from time to time, since I have held a place on this floor, will place me above suspicion on that score; and I am gratified to know that I am prepared to vote for any enterprise the West may originate as liberally as any Senator in this chamber.

Let them in the West propose to erect three State Universities, one to be located at, or near the city of Austin, one at San Antonio, and the other wherever a majority of the voters may designate in the East, and I have no hesitation in saying I will give the proposi-



tion my unqualified support. Aye, sir, I will go farther than has been intimated in the bill, or in any remarks which have been made by Senators residing in the Western portion of the State; at the same time, I ask for a pittance of this fund now about to be appropriated for the East; it justly belongs to them, and is it improper to introduce an amendment, thus, to divide this fund? I do not think so.

The Senator from Brazoria, remarks that sectional feeling of the most aggravated character exists between the Northern and Southern portions of our Union; that war is being made against Southern institutions; and I say nowhere in this broad State, is such a state of things more deeply deplored than in the East. The people in that District are sound to the core on the question of Southern rights; therefore, there can be nothing hazarded to the youth of our State in sending them to an institution in the East to be educated.

And again, Mr. President, it must not be forgotten that the framers of the Constitution of our State have taken this subject into consideration and have amply provided for the identical thing for which I am contending. It says:

"All public lands which have been heretofore, or which may hereafter be granted for public schools to the various counties, or other political divisions in this State, shall not be elevated [alienated] in fee, nor disposed of otherwise than by lease for a term not exceeding twenty years in such manner as the Legislature may direct."

Why sir, it is precisely the object contemplated in my amendment. The language is clear and unmistakable. I say, "in the First Congressional District," the Constitution has it "in the first Political Division of the State." I might well have adopted the phraseology incorporated in the fundamental law of the land in framing my amendment.

Again, sir, we find on page 290, of the Statutes, it is enacted, "that the President of the Republic be, and he is hereby authorized and required to appoint a surveyor and have surveyed on and from any of the vacant lands of this Republic, fifty leagues of land which is to be set apart and appropriated for the establishment and endowment of two Colleges and Universities, hereafter to be erected; and that the President is hereby authorized to draw upon the Treasury of this Republic for such sum or sums of money as may be necessary for the defraying the expenses to be incurred in locating and surveying said lands."

Then, Mr. President, we see that all past legislation upon this subject has been predicated upon, and strictly in accordance with this provision of our State Constitution, which is proposed to be continued by the adoption of my amendment. Sectionalism has

been much harped upon as being the mover of this contention for two State Universities on the part of Eastern members. I am free to say there is nothing of the kind in my amendment, nor is there the slightest intimation tending to that point. It simply proposes to mete out sheer justice to the East, to give her that which legitimately belongs to her—a portion of this magnificent domain to State Universities. It is predicated upon the policy laid down in the fundamental law of the land and has been re-affirmed by all subsequent acts of legislation; and it is nothing more than is required to supply the wants of our great and glorious State.

Now, Mr. President, if our State could be traversed in one day's ride to the other in three, four or five day's ride, some objections might very properly be urged against its adoption, but such is not the fact. To your residence, Mr. President (President Runnels presiding) far away on the Eastern border of our State, it is near four hundred miles. We, as a State, embrace a territory of near 800 miles in width—think you, then, that *one* State University would meet the wishes of the people, who shall occupy this mighty territory of our State? If, but one University is erected in all probability, it will be located at, or near the city of Austin; it will be many hundred miles from the Eastern portion of the State, and so far that I fear that with all the interest they feel upon the subject of education, they will have but little to concern them in inquiring after the welfare of such an institution.

Mr. President, let us take into consideration another fact. The East is losing political power in the State representation. The tide of emigration is not staid in the East, but looks to the mighty public domain of our State, which lies not in the East, but in the West. Well, sir, what are the facts? In a short time, and gratified am I to know it, a new apportionment bill must be passed which will give to the West the ascendancy in our State Legislature. And when she does we may rest assured she will take care of her own interests. It is human nature and in strict keeping with the history of the American people in all parts of the world. Then let us have a State University in the East. It legitimately belongs to her, and let us settle this question now and forever. The East, in my opinion, should stand shoulder to shoulder in support of her rights. I ask any Senator on this floor to point out to me any appropriation to build up universities or for any other public purposes. I ask, further, sir, to know from whence the State has derived the revenue to support the government, previous to the sale of our North Western territory to the United States. I think it is easily seen that the money came from the East. I do not boast of this fact, but I merely sustain it to show that we, at least, have some claim to an equitable interest in the large amount of money that is now

in the Treasury. I say plainly and unmistakably to the Senator from the East that this is our chance, and, perhaps, about the last to retain our interest in the appropriation of any portion of the United States bonds. The East will be astonished at the returns for the basis for the next apportionment. The representatives from the West will be then largely in the majority, and then farewell, East! except through her own immediate means, for she has no lands in her boundary to locate for either public or individual purposes; and judging the future by the past, the West will receive all the benefits as heretofore, and, indeed, she has been entitled to the benefits through her vigilant representatives, and I, in my place, say sir, that I have found said Western representatives, generous and liberal. The only difficulty is that the Eastern members invariably divide, many, or at least some of them, not seeming to desire anything for the East, but satisfy themselves by casting a negative vote. The Western members are generally a unit and they always seemed, and properly too, for I hold that the energetic ought to succeed, as the unit always does—I, sir, am one of those that declare in my plan that I know no North, South, East, or West in my State, but simply ask sheer justice for the East; this I am bound to do, and will do whilst I have the honor to hold a seat in the Senate. I cannot sit silent in my seat and see injustice done to my constituency and sure am I that this is the history of the Legislation of Texas. Mr. President, I am a friend to education, but sir, I wish to see some provision for the youths of the East as well as the West, and sir, if we cannot secure an immediate, I shall move the Senate to postpone the bill and amendment, and let our successors settle the matter as they may deem proper.

MR. WHITE—Mr. President: I think it proper that I should offer some remarks on the subject of this amendment, not that I hope to offer anything additional to what has been already said, nor that I hope to change a single vote on this amendment.—But this question may not be settled at this time, and it will be proper to call the attention of Senators to reasons which will influence my action on this bill.

Mr. President, I wish but one University, and that one located at the seat of Government. I will not attempt to argue the advantages of this plan at length, but will submit some of the most substantial reasons for my opinions.

And I may say that the first is that the amount of capital required for two Universities will be just double that of one. The same buildings, books, laboratory, professors, and in short, everything which involves money, is just doubted, by establishing two in place of one. And the capacity to accommodate and instruct students of institutions of this character, is scarcely increased by

dividing the two. It seems to me the only opposing argument that can be offered to this is the distance from the extremity of the State. But this will not weigh, when we consider the number of students sent from this State thousands of miles to Northern institutions, on account of their superior endowments.

A second reason is, that from the nature of the institution, it must be under the visitation of the State by means of State officers, then convenience suggests the Capital. But convenience is not the only consideration. The different officers must be appointed by some power. It must be by the officers of the State or by a Board of Trustees. If by trustees, the trustees must be taken from the vicinage of the institution. This vicinage cannot be divested of the sectionalism which prevails in all sections. The Institution would therefore assimilate by degrees with this prevailing issue and in time would become as sectional as the neighborhood of its location; and this grand fabrick cherished by the State, to the amount of hundreds of thousands, would be prostrated to the level of a country high school. The alternative is that the appointing power should be vested in the officers of the State, whose terms of office are for but short periods, called from all parts of the State, whose interest in the locality is but temporary; their power of short duration—whose frequent changes prevent assimilation with the issues of the neighborhood. The visitors from the legislature would be by persons chosen from all parts of the State biennially, and would be a sufficient check to sectarian influence.

A third reason which I may offer for my preference is, the well founded objection to the Respository and Dormitory system which would force itself on the institution by locating it in the country or small towns, where boarding accommodations could not be had in the houses of the inhabitants for a very considerable number of students.

The system of boarding the students within the institution, I say is objectionable because it creates distinct classes in the community and causes an array of the students against the inhabitants, and *vice versa*. It in some degree, excludes the students from the softening influence of mixed society, which has a tendency to stimulate self-esteem and raise youth above the appetite of mere animal passion, and lures him to the attainment of high moral position. While the reciprocal influence exerted by the youth brought from all parts of the State and chastened by the accumulated refinement of the vicinity would conduce to the perfection of moral reformation.

The confinement of youth to themselves, a distinct class from the citizens, unassociated with them in either their religious or



social enjoyments, is productive of incurable moral and physical maladies.

MR. POTTER offered a substitute for the Bill and Amendments. The substitute provided that the sum of \$400,000 United States indemnity bonds be and is hereby appropriated to the construction of a State University or Universities. Substitute was adopted.

MR. ARMSTRONG offered the following amendment: that the said \$400,000 be distributed to the several counties of the State according to white population to be loaned by the counties for the benefit of Rail Roads.

This amendment was ruled out of order.

MR. ARMSTRONG moved to amend the Bill by striking out the word "University" wherever it occurred in the Bill and insert "*Common Schools* in the several counties of the State" and said, I have offered the amendment to decide the question whether the masses of the people or a few shall be the recipients of the benefits of our legislation. Common Schools are for the people generally, Universities are for those who are most able to pay for their education. The Legislature has passed a Bill loaning the Common School fund to rail road companies. Now, if this appropriation for the building of one or two Universities should be made, I say let it be loaned to Rail Road companies like the Common School fund. Shall our Legislature be thus partial, and for the benefit of those who need it least? It is determined that the children of the country are not regarded in comparison with Rail Road loans, to let this fund take the same direction. But that amendment was ruled out, and the other is offered which gives rise to this discussion. One of the principal objections I had to the Loan Bill was its unconstitutionality, which does not exist in the counties loaning to corporations. I am no advocate of the University system. My plan is *first* Common Schools then Seminaries of learning in the counties. The Common Schools above all. Universities are the ovens to heat up and hatch all manner of vice, immorality and crime. Where the youth is removed from the presence of their parents and guardians, they run into every excess and come forth steeped in sin and reckless of all consequences. While the youth reared in the country, mingling manual labor with his studies, where their physical and mental faculties are alike strengthened, cultivated and developed. Among the first class there are some exceptions, but among the last class of students, we must look for the heroes and statesmen who shall govern and defend our beloved country. When war is the word, then you see who does the fighting and suffers the fatigues of marching. They come from the masses of the people and not from the colleges, with few exceptions. In the country schools we find all the virtues

which ennoble our race taught and practiced. I do not say that virtue is wanting in Universities, but I speak comparatively. I say let the system of education be like a pyramid beginning at the foundation. General information first among the people. Then our liberties as a free people, are safe; but let the masses be left in ignorance and superstition and the educated few will soon reduce them to the condition of the down-trodden nations of the Old World, who are mere property in the hands of those for whom they toil. It was the common schools that gave us a FRANKLIN, a FULTON, a MORSE, a GREENE, a SHERMAN, a JACKSON and a WASHINGTON. The diffusion of useful knowledge among the people generally should be our first care—discarding all the useless reading of the age. Of what avail is it that the youth can tell you of lost languages or obsolete sciences, or that they should puzzle their brains with the visionary theories of the ancient school men in trying to discover how they could travel from one place to another without passing the intermediate space? Cannot the youth of the country at the school houses travel from his spelling book to the celestial mechanics of La Place? Is it not as fit a place to learn all things for man to know the school house as the college. I say more so, for there are too many allurements and attractions around the fashionable and crowded universities for the youth to contemplate upon the knotty questions in philosophy and mathematics; not so at the school houses. The abatement of universities will send the teachers to the schools. Schools in every neighborhood will be filled with intelligent teachers and pupils, and the people will have among them all the means of useful information, but the contrary if the sciences are favored at a few places. It is putting it out of the power of the people generally to send off their children to college. They must remain at home to aid their parents to obtain a support, while the sons and daughters of the wealthy, can enjoy the privilege and receive the benefits of the poor man's money in attending these Universities built by the State. Making the poor man contribute to educate the rich man's child while his own children labor. Making the poor man subservient to the rich, a species of legislation at variance with the principles of a democratic government. I do not speak this to draw distinctions, but I must say it is anything but republican and democratic. It is a tendency, a leaning to the remnants of exclusivism, a longing after the principles of centralism. Our government is the people, then let our institutions of learning and all privileges of free government belong to the people, and leave it to other governments to teach the few to rule the many, the few to enjoy the blood and toil of the many. I say first common schools, afterwards, and when needed, other institutions of learning might be encouraged, but the time has not

yet come for the university system to be established by the State. Let those who have the means and inclination erect universities at their own expense for the education of their youth. The time may come when the State ought to establish such institutions, but I think that period far in the future. I differ with the Senator from Brazoria, he is beginning a system of education by erecting an university. Myself by educating the children of the country generally. Again, as to the wealthy classes of our State, I have no doubt but that class if that measure were left to them they are too patriotic, generous, and public spirited to receive the benefits of such legislation. That class would readily dispose of it so as to help those less fortunate. We see already that the wealthy class<sup>a</sup> are contributing to the erection of seminaries and institutions of learning in the towns, neighborhoods and cities of our beautiful and thriving State. I say that all classes are giving their aid and encouragement to common schools and institutions of learning generally throughout, in order that all may be benefitted, that the youth of poor and rich may be mingled together, form their friendships and assimilate their feelings, that the ties of friendship fixed in youth may bind them together in age, and that their mutual dependence on each other may be learned and appreciated. Not separate them in their youth so as to render them comparatively strangers in after life and without sympathies and regard for each other. I say rear them and educate them together, and when our common country shall need their aid in the councils or battle fields, they will stand side by side animated by the same sentiments for the welfare of their common country.

The Senator from Brazoria argues that erection of universities in our own State will dispense with the necessity of sending our children North to be educated, there to receive their impressions of the North injurious to the rights of the South, to be taught principles at variance with the South. I reply, let them have their children educated in the seminaries and schools of our State, established and to be established in our State without aid. Let them erect such institutions in our own State. Those who are able to pay for university education in the North are able to apply the same means in our State. Their State pride will prompt them without legislative incentives and assistance. As to our youth being denied intercourse with the people of the North, I differ with the Senator. It is our duty to mingle with and associate with our fellow-citizens of the North. We are citizens of one Government, one common country. We can best understand our common wants by associating together, and regarding each other as belonging to one great neighborhood. We ought to encourage by every means the most intimate and friendly relations with our brethren

of the North. Let us inform the various sections of the Union of our common and separate rights—our common duty, and interest, and mutual dependence on each other, and we will be the better enabled to understand our relative rights and duties. And in no way can our friendly relations with our brethren be better prompted than by a genial intercourse encouraged by every possible means. Let us not denounce in general terms the whole North, for it is to the conservative power of the national democratic party of the North that we look for the protection of Southern rights and the maintenance of the guarantees of the constitution. We look to that party for our rights, yet we condemn and denounce the whole North. We teach doctrines of non-intercourse with the North. We would discourage all friendly connections and intercourse with the North. Yet we turn to the democratic party in all times of trouble. If we by our acts alienate the feelings of the people of the North, we may expect nothing from them and then will follow in haste the dissolution of the Union with all its disastrous consequences.

MR. FLANAGAN offered the following Amendment: Strike out a University or Universities and insert two Universities, one of which shall be located in the first political division of the State to be located at any place that may be legally designated, and the second shall be located similarly in the second political division.

MR. PALMER moved to lay the amendment on the table.

MR. FLANAGAN called for the ayes and nces; which were ordered and then appeared. Ayes, 14, nays 16.

So the Senate refused to lay the amendment on the table.

The question then resumed with engrossment of the Bill:

MR. PALMER moved a call of the House; which was ordered.

Several members being absent, the bill was informally passed over; and on motion of the Senate adjourned.

#### GENERAL LAWS

##### O. B. 119. Ch. 144, pp. 71-74; G. 4, p. 489

*AN ACT authorizing the disposition and sale of the University lands.*

SECTION 1. Be it enacted by the Legislature of the State of Texas, That it shall be the duty of the several county and district Surveyors, in whose county or district any part of the fifty leagues appropriated by the fourth section of an act entitled An Act appropriating certain lands for the establishment of a general system of education, approved 26th of January, 1839, may be situated, to proceed as soon as practicable after the passage of this act, and divide the same into tracts of one hundred and sixty acres each.



And in dividing any tract, if there shall be any fractional balance of less than one hundred and sixty acres, the same shall be attached to the adjoining tract. The Surveyor shall cause the lines of each tract, when the same are in the timber, to be plainly marked, and shall establish the corners of each tract with good and substantial materials. He shall make a map of said work and field notes, in which each tract shall be numbered and the quantity thereof stated; the line and corners shall be fully described; all streams of water shall be stated with their course; and the point or points at which they may intersect any line; and the quantity of timber, and prairie land, and the character of the same in each tract shall be stated as near as the same can be estimated; provided that dividing said lands into one hundred and sixty acre tracts, shall consist in running section lines one mile apart, and establishing corners at the end of every half mile.

SEC. 2. When said map and field notes shall be completed, in accordance with the provisions of the preceding section, the Surveyor shall record the same in a bound book to be kept in his office for that purpose, and return the original to the Commissioner of the General Land Office, who, upon the receipt of the same, shall notify the Governor.

SEC. 3. After said map and field notes shall have been made and returned to the General Land Office, as herein before provided for, it shall be the duty of the Governor to cause each alternate section of six hundred and forty acres to be sold in lots of one hundred and sixty acres each, at public auction to the highest bidder, at the county seat of the county in which the same may be situated; provided such sale and the terms thereof shall first have been advertised for sixty days in two newspapers published nearest to the county in which the land is situated; also, in at least three public places in said county; and in at least one paper at the seat of Government; Provided also that such lands shall not be sold for a less price than three dollars an acre.

SEC. 4. That the terms of such sale be a credit of twenty years, bearing interest at the rate of eight per cent. per annum, the purchaser to pay to the Treasurer of the State, at the end of each year, after the day of sale, the interest due on the purchase money and one-twentieth part of the original purchase money. The purchaser to give bond with two or more good securities, for the amount of the purchase money and interest thereon, after which he shall receive, from the person making the sale, a certificate of his purchase, and the amount and terms thereof, and whenever he shall have fully paid the principal and interest of his purchase, the Commissioner of the General Land Office shall issue to him and his heirs or assigns, a patent; provided that nothing in this act shall be so construed as to prevent any purchaser, his heirs, or assigns of such lands, from paying at any time he may desire the whole amount of

the purchase money and interest, and so doing he shall receive a patent for the same.

SEC. 5. As often as any purchaser of said lands shall fail to pay the amount of interest, and instalment of his purchase, when the same is due, the Governor shall cause the same to be sold again, after thirty days' notice, by public auction, to the highest bidder, at the county seat of the county where the land is situated, the terms of such sale shall be that the purchaser shall pay in cash the amount then due on the land, and the costs of the sale, and for the residue of the purchase money he shall have the same number of years as there remain to run of the original credit, interest at eight per cent. to be paid thereon annually, and the principal to be paid at equal annual instalments; the purchaser to give a like bond and receive a like certificate as at original sales.

SEC. 6. If, at the re-sale of any tract of said land, it shall fail to bring an amount sufficient to pay the principal and interest owing thereon, and the cost of such re-sale, it shall be the duty of the Governor to cause suit to be brought against the obligees (obligors) in the bond of the original purchaser for such deficiency, and if it shall bring any more than the principal and interest thereon, and the costs of the re-sale, the excess shall belong to the party whose property is so sold. At any such re-sale the Governor may, if he thinks it necessary for the protection of the rights of the State, authorize the land to be bought in for the State, to be held and disposed of for the benefit of the University fund.

SEC. 7. The Governor may appoint one or more agents, from term to term, to conduct the sales herein authorized to be made, and all such agents shall give bond with two or more good securities, in such amount as the Governor may direct, conditioned for the faithful discharge of their duties; and every such agent shall be allowed the sum of five dollars for each and every day he may be actually employed in discharging the duties of his appointment.

SEC. 8. The proceeds of the sale of all such lands shall constitute a University fund to be hereafter appropriated by the Legislature.

SEC. 9. The alternate sections not herein directed to be sold shall be reserved from sale until hereafter directed by the Legislature.

SEC. 10. The county or district Surveyors shall be allowed for all duties required of them by this act, three dollars per mile, for each mile actually run, but they shall in no case be allowed pay for the same line more than once, and said compensation shall be paid out of any money in the Treasury, not otherwise appropriated.

SEC. 11. It shall be the duty of the Governor to cause to be located, and surveyed, an amount of land sufficient with that already located and surveyed, to make up the fifty leagues of University lands, appropriated by said act of 26th of January, 1839, in such tracts as he may think it advisable, at a cost not exceeding the

regular fees of surveying, which shall be paid out of any money in the Treasury, not otherwise appropriated.

SEC. 12. Each settler upon any of said tracts of land offered for sale, shall have the right to take the tract upon which his improvements, or the greater part thereof, shall be situated, at the highest and best bid that may be offered for the same. Provided that such bid shall not be less than three dollars per acre.

SEC. 13. That parties purchasing under the provisions of this act, shall have the right to sell the land purchased by him or her, under the provisions of this act, at any time, but the land so sold shall in all cases be held liable for the principal and interest unpaid under any sale in favor of the State, and a first lien or mortgage is hereby declared to exist in favor of the State, as a security for the payment of principal and interest to all lands sold as above prescribed.

Approved August 30, 1856.

[John Henry Brown was appointed by the Governor, commissioner under this act.]

H. B. 27; Ch. 156, p. 84; G. 4, p. 502

*AN ACT authorizing and requiring the Governor of the State to have surveyed the unlocated balance of the University lands.*

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That the Governor be, and he is hereby authorized and required to cause to be surveyed, as soon as possible, on any vacant or unappropriated lands belonging to the State, twenty-two thousand two hundred and fifty acres of land, or the unlocated balance donated and set apart by the late Republic of Texas, for the endowment and establishment of two Universities.

SEC. 2. That the Governor be, and he is hereby authorized to draw upon the Treasurer of the State, for such sum or sums of money as may be necessary for defraying the expenses incurred by locating and surveying said lands.

Approved August 30, 1856.

Ch. 158, p. 85; G. 4, p. 503

*AN ACT for the protection of the lands that have been or may hereafter be granted for purposes of Education.*

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That no statute of limitation shall run in favor of any one who has heretofore or may hereafter settle upon or occupy any of the lands that have heretofore been granted or may hereafter be granted by the State, for purposes of Education. And this act shall take effect, and be in force, from and after its passage.

Approved August 30, 1856.

**SEVENTH LEGISLATURE, REGULAR SESSION, NOVEMBER 2, 1857, TO FEBRUARY 16, 1858**

**MESSAGE OF GOVERNOR E. M. PEASE**

**November 2, 1857; H. J. p. 30; S. J. p. 20**

On former occasions, I have called the attention of the Legislature, to the importance of establishing a State University, where all the facilities can be furnished for obtaining a thorough education, that are to be found in other States; and I feel that I should be wanting in duty, did I fail to urge this measure upon your consideration. No country was ever better situated to commence such an undertaking. We have ample means in the Treasury, not needed for other objects, with which to erect the necessary buildings; and we have two hundred and twenty one thousand and four hundred acres of land already set apart by your predecessors for a University, the proceeds of which, if properly managed, will be a liberal endowment, and will enable us to command the services of the ablest professors in every department of learning.

The necessity for such an institution is felt and acknowledged by every one; and I trust that you will not let this session pass, without adopting measures for its establishment at an early date.

The residue of the University Lands, to make up the fifty leagues, have been selected and surveyed in accordance with the provisions of an act of the last legislature.

But little progress has been made, under the act authorizing the University Lands, heretofore located, to be divided into quarter sections, and alternate tracts thereof, to be sold. Only two District Surveyors have made returns of their work to the General Land Office; and one of these was so imperfect that it had to be sent back for correction. I have not thought it advisable to commence the sale of any of these lands, until all, that are situated in the same section of the State are ready for sale under the law.

**PROCEEDINGS IN THE LEGISLATURE**

**November 5, 1857. H. J., p. 21**

Mr. Kittrell offered the following resolution:

*Resolved*, That the committee on Education be instructed to inquire into the expediency of establishing two State Universities, and report by bill or otherwise; adopted.

**November 11, 1857. H. J., pp. 84-85**

Mr. Kittrell, chairman of committee on Education made the following report:



The committee on Education to whom was referred the resolution instructing them to enquire into the expediency of establishing one or more State Universities, have had the same under consideration, and have instructed me to report progress. In view of the great difficulty, and in digesting and maturing a plan for a State University in all its details, commensurate with the wants and interest of the State, your committee have thought it best to confine itself to the examination of, and the settlement of two important preliminary points in this question, viz: Whether it is the pleasure of the present Legislature to engage in this enterprise; and if so, whether it will decide to have one or more Universities.

These two points were freely considered and discussed in committee, and they have instructed me to say, that they are unanimously of opinion, that the time has arrived in the history of our progress, as a State, eminently propitious for engaging in this enterprise. That it is one which commends itself with great force, not only to the calm and careful consideration of every member of the Legislature, but to their patriotism. They have instructed me further to say, that after mature deliberation and interchange of views, they were also unanimous in opinion that the object of this enterprise can be more surely accomplished by one State Institution, than by more than one, for reasons that will be set forth in a further report should the Legislature decide affirmatively, (as your committee fondly hope they may) touching these two preliminary points.

They have, therefore, instructed me to report the following resolution and recommend its passage:

*Resolved*, That it is the sense of the House of Representatives of the Legislature of Texas, that we should enact a law at its present session, providing for the establishment of a State University as soon as practicable, after the passage of said law.

Your committee instruct me further to say, that should it be the pleasure of the House to entertain this proposition favorably, they will then carefully proceed with further duties necessary to complete the plan in all its parts.

Report received.

On motion of Mr. Howerton, the report was taken up, and on motion of Mr. Chilton, made the special order for 11 o'clock A. M. Monday next.

November 16, 1857, H. J., pp. 117-118

The hour having arrived, the Special order of the day was taken up, viz: the report of the chairman of the committee on Education relative to the establishment of one or more State Universities.

Mr. Chilton, one of the committee on Education, by leave, made the following minority report:

The undersigned members of the committee on Education, to whom was referred the propriety of establishing two State Universities, in view of the fact that a majority of said committee has instructed its chairman to report unfavorably as to the establishment of more than one State University, and in further view of the fact that the chairman of said committee has heretofore submitted his report in conformity with his instructions, in which he very ably and fully presents the great necessity of the establishment of a vigorous system of education in the State—in all of which the undersigned fully concurs, but would, with much deference to the expressed opinion of the majority with reference to the number of Universities to be established, respectfully submit this their minority report.

Your committee-men are painfully aware of the fact, that there is a growing spirit of alienation of feeling between the two geographical divisions of this State, and that there are those who, your committee-men charitably believe, from misconceived views with reference to the policy of the State, are busily engaged in preparing the minds of the masses of each section to entertain a proposition for the division of the State; and your committee-men being fully impressed with the deplorable consequences which would result from any system of legislation which bears the semblance of partiality, and the immediate necessity for the adoption of some system by which an impartial bestowment of Legislative benefits may be had, and a community of feeling and interest between the two sections permanently established, and being fully convinced that the facilities for education will not be impartially extended to the youth of the two sections by the establishment of only one State University, but believing that the State of Texas is amply able to establish, endow, and hold under the protection of her fostering hand, *two* universities, and believing that such an establishment would be eminently promotive of the people's interest and the cause of education in our State would submit the following resolution, and respectfully recommend its adoption:—

*Resolved*, That the committee on Education be instructed to prepare and report a bill, providing for the establishment of *two State Universities*, to be conveniently located—one at some point east of the Trinity river, the other at some point west of said river—to be hereafter determined.

G. W. CHILTON, One of the Committee.

On motion of Mr. Murrah, the consideration of the reports was postponed until Monday next, the 24th inst., at 10<sup>15</sup> o'clock A. M.

November 23, 1857. H. J., p. 165

The hour having arrived, the special order of the day viz: the report of the chairman of the Educational committee relative to the establishment of a State University, was taken up and adopted.

On motion of Mr. McKinney of Travis, the vote adopting the report was reconsidered.

November 28, 1857. H. J., p. 205

The hour having arrived, the special order of the day, viz.: The majority report of the committee on Education, recommending the passage of a resolution to establish a State University, taken up.

Mr. Ward moved to postpone the consideration of the matter until the second Monday in December next.

Mr. Rainey moved to adjourn until 9½ o'clock Monday A. M.—lost.

Mr. Chilton moved to substitute the minority report for the majority report.

On motion of Mr. Poag, the House adjourned until 10 o'clock Monday, A. M., pending Mr. Ward's motion to postpone until second Monday in December next.

November 30, 1857, H. J., p. 216

Question pending when the House adjourned on Saturday last, viz: Mr. Ward's motion to postpone a resolution reported by the committee on Education, for the establishment of a State University until the second Monday in December next, was put and carried.

December 14, 1857. H. J., p. 327.

The special order, viz: The consideration of the University question, taken up and on motion of Mr. Price, postponed until Wednesday, next.

December 16, 1857. H. J., pp. 348-350

The hour having arrived, the special order of the day was taken up, viz:

The resolution offered by the Committee on Education, relative to the establishment of a State University.

Mr. Chilton, moved to lay the resolution on the table for the present, whereupon the yeas and nays were demanded, and the House refused to lay the resolution on the table by the following equal vote:

Yeas—Messrs. Speaker, Barnard, Bee, Bishop, Burke, Chilton, Craig, Crawford, Crook, Doom, French, Gaston, Hardin, Harris of

Titus, Harrison, Hart, Hicks, Holland, Johnson, Kinney, Kirk, Lacy, Lesueur, Lewter, Locke, Lloyd, McKenney of Hopkins, Navarro, Norton, Roberts, Scott, Shannon, Tait, Waelder, Walling, Ward, Waterhouse, Witt and Wood—39.

Nays—Messrs. Aycock, Baldwin, Buckley, Burnett, Carrol, Cleveland, Dalrymple, Dennis, Edwards, Evans of Austin, Evans of McLennan, Everett, Fisher, Hall, Hardeman, Harris of Guadalupe, Henderson of Cass, Henderson of Harris, Higgins, Howerton, Jennings, Joseph, Kittrell, Latham, Lee, McKinney of Travis, Merri-man, Mills, Munson, Murrah, Poag, Powell, Price, Rhodes, Rogers, Ross, Runnels, Smith of Fannin and Upshur.—39.

Mr. Ross offered the following amendment to the resolution:

Amend by adding "and should such University be located East of the Trinity river, there shall be established west of the same, a Literary College of equal rank and endowments with the Literary Department of the University; but if the University should be located west of said river, then such College shall be established east of the same."

Mr. Howerton moved to lay the amendment on the table.

On motion of Mr. Chilton, a call of the House was ordered.

On motion of Mr. Witt, the Sergeant-at-Arms was dispatched for absentees.

On motion of Mr. Hicks, Mr. Smith of Orange, was excused from attendance on the House.

Mr. Witt moved a suspension of the call—House refused to suspend.

Mr. Chilton moved a suspension of the call—House refused to suspend.

Mr. Rainey moved a suspension of the call—House refused to suspend.

Mr. Witt moved a suspension of the call—House refused to suspend.

On motion, Mr. Poag was excused for ten minutes.

Mr. Rainey moved that the House adjourn till to-morrow at 9 ½ o'clock A. M.; lost.

Mr. Burnett moved to suspend the call—the House refused to suspend.

Mr. Shelton, one of the absentees, having arrived, and a full House being present, the call was suspended.

On motion of Mr. Rainey, a call of the House was ordered.

On motion the call was suspended.

The question then recurring, being Mr. Howerton's motion to lay the amendment offered by Mr. Ross on the table, the question was put, and the House refused to lay the amendment on the table by the following vote:



Yeas—Messrs. Aycock, Barnard, Buckley, Carroll, Cleveland, Clow, Cooley, Crawford, Dalrymple, Dennis, Edwards, Evans of Austin, Evans of McLennan, Everett, Fisher, Hall, Hardeman, Hardin, Harris of Guadalupe, Haynes of Starr, Haynes of Washington, Henderson of Harris, Higgins, Howerton, Joseph, Kinney, Kittrell, Latham, Lee, McKinney of Travis, Merriman, Mills, Munson, Powell, Price, Reeves, Rogers, Tait, Upshaw, and Wood—40.

Nays—Messrs. Speaker, Baldwin, Bee, Bishop, Burks, Burnett, Chilton, Craig, Crook, Doom, French, Gaston, Harris of Titus, Harrison, Hart, Henderson of Cass, Hicks, Holland, Jennings, Johnson, Kirk, Lacy, Lesueur, Lewter, Locke, Loyd, McKenney of Hopkins, Murrah, Navarro, Norton, Poag, Rainey, Rhodes, Roberts, Ross, Runnels, Scott, Shannon, Shelton, Waelder, Walling, Ward, Waterhouse and Wood—45.

Mr. Hart moved to adopt the amendment offered by Mr. Ross.

Pending—the motion of Mr. Hart to adopt the amendment offered by Mr. Ross.

**January 2, 1858, H. J. pp. 463-465**

Special order, viz: The University Resolution taken up.

Question on the adoption or rejection of Mr. Ross's amendment to the same, was put.

Mr. Bee moved to lay the subject matter on the table for the present.

On motion of Mr. Chilton, a call of the House was ordered.

Messrs. Poag and Waelder obtained leave of absence for ten minutes. Mr. Jennings moved to excuse Mr. Baldwin for twenty-five days.

On motion of Mr. Kittrell the call was suspended.

On motion of Mr. Chilton the main question was ordered, which being the adoption of Mr. Ross's amendment the same was put, and amendment adopted by the following vote:

Yeas—Messrs. Bee, Bishop, Burnett, Chilton, Craig, Crook, Doom, Gaston, Harris of T., Harrison, Hart, Henderson of C., Hicks, Jennings, Johnson, Kirk, Lacy, Lesueur, Lewter, Locke, Lloyd, McKenney of H., Murrah, Navarro Norton, Poag, Rainey, Rhodes, Roberts, Ross, Runnels, Scott, Shannon, Shelton, Smith of F. Smith of O, Waelder, Walling, Ward, Waterhouse and Witt—41.

Nays—Messrs. Aycock, Barnard, Brown, Carrol, Clow, Cooley, Dalrymple, Dennis, Edwards, Evans of A., Evans of McL., Everett, Fisher, French, Hall, Hardin, Harris of G, Haynes of Starr, Haynes of W., Henderson of H., Higgins, Howerton, Joseph, Kinney, Kittrell, Latham, Lee, McKinney of T., Merriman, Munson, Powell, Price, Reeves, Upshaw, and Wood—35.

The question on the adoption or rejection of the main resolution as amended was put, and resolution rejected by the following vote:

Yeas—Messrs. Bee, Chilton, Craig, Crook, French, Gaston, Harris of T., Henderson of C., Jennings, Johnson, Kirk, Lacy, Locke, Llod, Murrah, Navorro, Rainey, Roberts, Ross, Runnels, Shelton, Smith of O., Smith of F., Waelder, Wailing and Ward—26.

Nays—Messrs. Aycock, Barnard, Bishop, Brown, Burnett, Carrol, Clow, Cooley, Dalrymple, Dennis, Doom, Edwards, Evans of A., Evans of McL., Everett, Fisher, Hall, Hardin, Harris of G., Harrison, Hart, Haynes of S., Haynes of W., Henderson of H., Hicks, Higgins, Howerton, Joseph, Kinney, Kittrell, Latham, Lee, Lesueur, Lewter, McKinney of H., McKinney of T., Merriman, Munson, Norton, Poag, Powell, Price, Reeves, Rhodes, Scott, Shannon, Upshaw, Waterhouse, Witt and Wood—50.

Mr. Murrah offered the following resolution:

*Resolved*, That one hundred leagues of land, and one hundred thousand dollars be, and the same is hereby appropriated and set apart for the establishment of one or two universities, or one or two colleges, as may hereafter be determined, and that the determination of the question at present of one or two universities or one or two colleges is not expedient, and ought to be more fully canvassed among the people; laid on the table [by 47 to 26 vote].

**January 21, 1858. H. J. p. 635**

A message was received from the Senate, announcing to the House that the Senate had passed the following bills originating in the House, viz:

And a bill to be entitled an act to establish the University of Texas, originating in the Senate;

**January 23, 1858: H. J., 655-656**

Mr. Kittrell, Chairman of the committee on Education, made the following report:

The committee on Education, to whom was referred a Senate bill to establish the University of Texas, have read the report and bill carefully, as presented to us by the Senate and have instructed me to say that said report sets forth in a clear, succinct and forcible manner the necessity for and the propriety of establishing one *State University*, commensurate with the dignity and wants of the State of Texas; and that the bill provides amply the ways and means to carry out this great enterprise. The committee have, therefore, instructed me to say that they adopt the Senate's report and bill as their own, and have directed me to report the same back to the House and recommend the adoption of the report and the passage of the bill. Your committee cannot let this opportunity

pass without most respectfully soliciting all to meet on the broad and liberal platform contained in the Senate's bill, and unite in inaugurating this great enterprise, and thereby transmit to our posterity a legacy more valuable than gold and more enduring than brass. Your committee believe that the public sentiment and the public interest alike demand this at our hands, that we should take the *initiative* in this measure while the State has means adequate to the undertaking without imposing any burden on the people. And we do most cordially invite all to meet this question fairly and without prejudice, and let us be prepared to sacrifice all local and sectional differences on the common altar of our country's good so that when the history of our legislation shall be written, the brightest and purest page of that record shall be that which chronicles the establishment of the TEXAS UNIVERSITY. Report received.

On motion of Mr. McKinney of Travis, the rule was suspended and report and bill taken up, and

On motion of Mr. Brown made the special order for Wednesday next.

February 4, 1858; H. J. pp. 779-786

Pending Mr. Craig's motion to suspend the rule to take up a bill to establish the Texas University.

Question pending when the House adjourned, viz: Mr. Craig's motion to suspend the rule to take up the Texas University bill, taken up; the yeas and nays being demanded, stood thus:

Yeas—Messrs. Speaker, Aycock, Bee, Brown, Buckley, Burnett, Cleveland, Collier, Craig, Dalrymple, Dennis, Edwards, Evans of McLennan, Evans of Austin, Fisher, Hardeman, Harris of Guadalupe, Haynes of Washington, Henderson of Cass, Higgins, Howerton, Jennings, Joseph, Kittrell, Latham, Lee, McKinney of Travis, Merriman, Mills, Munson, Powell, Price, Rogers, Smith of Orange, Upshaw, Waelder, Witt and Wood—38.

Nays—Messrs. Barnard, Bishop, Burks, Crook, Doom, Gaston, Harris of Titus, Harrison, Hart, Lacey, Lewter, Lloyd, Norton, Reeves, Rhodes, Roberts, Ross, Runnels, Scott, Shannon, Shelton and Walling—22.

So the House refused to suspend the rule.

The special order having precedence, to wit: A bill to establish the University of Texas was taken up.

Mr. Rainey offered the following amendment to the University bill:

"Provided, said University shall be located between the Brazos and Trinity rivers, and between the 31st and 33d parallel of North latitude."

Mr. Ross offered the following substitute for the amendment:

Section 14. It shall be the duty of the Governor by and with the advice and consent of the Senate, to appoint three commissioners, one of whom lives East of the Trinity river, one between the Trinity and Brazos rivers and one West of the Brazos, whose duty it shall be to select and designate a site for said University, and in making said location they shall take into particular consideration the convenience of wood and water, and healthy locality with convenience for communication in different directions; provided, that said location shall be situated between the Trinity and Brazos rivers, and between 31st and 33d of north latitude, and make due return of the same to the Governor.

Mr. Powell moved to lay the substitute on the table.

Mr. Bee moved the previous question.

Mr. Powell withdrew his motion to lay on the table.

Mr. Bee withdrew his motion for the previous question.

The question recurring on the adoption of Mr. Ross' substitute, the same was put and stood thus:

Yeas—Messrs. Speaker, Aycock, Bishop, Burks, Burnett, Carroll, Collier, Crook, Doom, Gaston, Harris of Titus, Harrison, Hart, Johnson, Kirk, Lacy, Lewter, Lloyd, McKenney of Hopkins, Norton, Poag, Rainey, Reeves, Rhodes, Roberts, Ross, Scott, Shannon, Shelton, Waterhouse and Wood—31.

Nays—Messrs. Barnard, Bee, Brown, Buckley, Chance, Cleveland, Clow, Cooley, Craig, Dennis, Evans of Austin, Evans of McLennan, Everett, Fisher, Hall, Hardeman, Harris of Guadalupe, Haynes of Starr, Haynes of Washington, Higgins, Howerton, Joseph, Kinney, Kittrell, Lee, McKinney of Travis, Merriman, Mills, Munson, Navarro, Powell, Price, Smith of Orange, Tait, Upshaw, and Waelder—36.

So the House refused to adopt the substitute.

The question then recurring on Mr. Rainey's amendment, the same was put before the House which refused to adopt the amendment by the following vote:

Yeas—Messrs. Speaker, Aycock, Bishop, Burks, Burnett, Carroll, Collier, Crook, Doom, Gaston, Harris of Titus, Harrison, Hart, Johnson, Kirk, Kittrell, Lacy, Lewter, Lloyd, McKenney of Hopkins, Norton, Poag, Rainey, Reeves, Rhodes, Roberts, Ross, Runnels, Scott, Walling, Waterhouse and Wood—34.

Nays—Messrs. Barnard, Bee, Brown, Buckley, Chance, Cleveland, Clow, Cooley, Craig, Dennis, Edwards, Evans of Austin, Evans of McLennan, Everett, Fisher, French, Hall, Hardeman, Harris of Guadalupe, Haynes of Starr, Haynes of Washington, Henderson of



Cass, Higgins, Howerton, Joseph, Kinney, Lee, McKinney of Travis, Merriman, Mills, Munson, Navarro, Powell, Price, Smith of Orange, Tait, Upshaw and Waelder—38.

Mr. Doom proposed to amend as follows:

"Strike out 50 leagues appropriated by the Congress of Texas in 1832."

The House refused to adopt the amendment by a vote of 25 yeas to 43 nays.

Mr. Ross offered a substitute for the 12th section, as follows:

"The administrators shall once in two years elect a treasurer, who shall give bond in the sum of \$200,000 for the performance of his duty, approved by the President, and whose duty it shall be to collect and disburse the funds of the University, under the direction of the Board of Administrators."

The House refused to adopt the amendment by a vote of 25 yeas to 42 nays.

Mr. Lewter proposed the following as an additional section:

And should such University be located East of the Trinity River, there shall be established West of the same, a literary college of equal rank and endowment with the literary department of the University. But if the University should be located West of the said River, then such College shall be established East of the same.

The question being on the adoption of the amendment, the same was put, and stood thus:

Yeas—Messrs. Speaker, Bishop, Burnett, Chilton, Doom, Gaston, Harris of Titus, Harrison, Hart, Henderson of Cass, Jennings, Johnson, Lacy, Lewter, Lloyd, McKenney of Hopkins, Norton, Rainey, Ross, Runnels, Walling, Waterhouse and Witt—23.

Nays—Messrs. Aycock, Barnard, Bee, Brown, Buckley, Chance, Cleveland, Clow, Cooley, Craig, Dalrymple, Dennis, Edwards, Evans, of Austin, Evans of McLennan, Fisher, Everett, Hall, Hardeman, Harris of Gaudalupe, Haynes of Starr, Haynes of Washington, Henderson of Harris, Higgins, Howerton, Joseph, Kinney, Kittrell, Latham, Lee, McKinney of Travis, Merriman, Mills, Navarro, Powell, Price, Reeves, Rhodes, Roberts, Rogers, Shannon, Smith of Fannin, Smith of Orange, Tait, Upshaw, Waelder and Wood—47.

Mr. Hart proposed a substitute for first section of the bill.

The House refused to adopt the substitute by the following vote:

Yeas—Messrs. Barnard, Bishop, Burks, Burnett, Doom, Gaston, Harris of Titus, Harrison, Hart, Jennings, Johnson, Kirk, Lacy, Lewter, McKenney of Hopkins, Norton, Rainey, Rhodes, Ross, Shannon, Shelton, Walling, Waterhouse, Witt and Wood—25.

Nays—Messrs. Speaker, Aycock, Bee, Brown, Buckley, Chance, Cleveland, Clow, Cooley, Craig, Dalrymple, Dennis, Edwards, Evans of Austin, Evans of McLennan, Everett, Fisher, French, Hall,

Hardeman, Harris of Gaudalupe, Haynes of Starr, Haynes of Washington, Henderson of Cass, Higgins, Howerton, Joseph, Kinney, Kittrell, Latham, Lee, McKinney of Travis, Merriman, Mills, Munson, Navarro, Poag, Powell, Price, Reeves, Roberts, Rogers, Runnels, Smith of Orange, Tait, Upshaw and Waelder—47.

Mr. Walling moved to "strike out 25 leagues of the land heretofore set apart for the establishment of two Colleges, or University, by the Republic of Texas in the year 1839, and appropriate 30 leagues of the unappropriated Public domain of the State." Lost.

Mr. Norton offered the following amendment: Amend section 9th, so as to read as follows:

"Sec. 9. Instruction at the University, and boarding, lodging, clothing and washing, and other necessary expenses of the student shall be free."

The House refused to adopt the amendment by 27 yeas; 45 nays.

Mr. Chilton moved to reconsider the vote refusing to adopt the amendment of Mr. Walling; lost by the following vote:

Yeas—Messrs. Barnard, Bishop, Burnett, Doom, Gaston, Harris of Titus, Harrison, Hart, Johnson, Kirk, Lacy, Lesueur, Norton, Rainey, Reeves, Rhodes, Ross, Runnels, Shelton, Walling, Waterhouse and Wood—22.

Nays—Messrs. Speaker, Aycock, Bee, Brown, Buckley, Burks, Carroll, Chance, Cleveland, Cooley, Craig, Dalrymple, Dennis, Edwards, Evans of Austin, Everett, Fisher, French, Hall, Hardeman, Harris of Guadalupe, Haynes of Washington, Henderson of Cass, Higgins, Howerton, Joseph, Kinney, Kittrell, Latham, Lee, McKinney of Travis, Merriman, Mills, Munson, Navarro, Poag, Powell, Price, Rogers, Shannon, Smith of Fannin, Smith of Orange, Tait, Upshaw, Waelder and Witt—46.

Mr. Wood offered the following amendment:

"The Treasurer of the State shall be required to give bond, with two or more sufficient sureties, to be approved by the Governor, in the sum of \$200,000, conditioned for the faithful performance of his duties as Treasurer of the University."

The House refused to adopt the amendment by the following vote:

Yeas—Messrs. Bishop, Burnett, Doom, Evans of McLennan, Harris of Titus, Harrison, Hart, Jennings, Johnson, Kirk, Lacy, Lesueur, Lewter, Loyd, Norton, Poag, Rainey, Reeves, Rhodes, Roberts, Ross, Shannon, Shelton, Walling, Waterhouse, Witt and Wood—28.

Nays—Messrs. Barnard, Bee, Brown, Buckley, Burks, Chance, Cleveland, Collier, Craig, Dalrymple, Edwards, Evans of Austin, Everett, Fisher, Hall, Hardeman, Haynes of Starr, Haynes of Washington, Henderson of Cass, Henderson of Harris, Joseph, Kinney,

Kittrell, Latham, Lee, Powell, Price, Rogers, Smith of Fannin, Smith of Orange, Tait, Upshaw and Waelder—40.

Mr. Harrison moved to amend by striking out \$100,000, and inserting \$50,000; lost.

Mr. Norton offered the following amendment:

Amend by striking out of the 4th section, "Surgery and Medicine Ethics, the law of Nature, of Nations and Municipal Law."

The House refused to adopt the amendment.

Mr. Rhodes offered the following amendment:

"Sec. —. The said University shall be located at the city of Austin."

On motion of Mr. Price, laid on the table.

Mr. Norton, offered the following amendment:

Insert after "administrator," wherever it occurs, "or executors."

House refused to adopt.

Question recurring on the passage of the bill to a third reading, the same was put, and the bill passed to a third reading by the following vote.

Yeas—Messrs. Aycock, Bee, Brown, Buckley, Chance, Chilton, Cleveland, Clow, Cooley, Craig, Dalrymple, Dennis, Edwards, Evans of Austin, Evans of McLennan, Everett, Fisher, French, Hall, Hardeman, Harris of Guadalupe, Harris of Titus, Haynes of Starr, Haynes of Washington, Henderson of Cass, Henderson of Harris, Higgins, Howerton, Jennings, Johnson, Joseph, Kinney, Kittrell, Latham, Lee, McKinney of Travis, Merriman, Mills, Munson, Navarro, Powell, Price, Rainey, Rogers, Ross, Shelton, Smith of Fannin, Smith of Orange, Tait, Upshaw, Waelder and Witt—52.

Nays—Messrs. Speaker, Barnard, Bishop, Burnett, Doom, Gaston, Harrison, Hart, Kirk, Lacy, Lewter, Lloyd, Norton, Poag, Reeves, Rhodes, Roberts, Shannon, Walling and Waterhouse—20.

Mr. Henderson of Harris moved a suspension of the rule to put the bill on its final passage; lost by a vote of 52 yeas to 24 nays.

**February 8, 1858; H. J. pp. 806-807, 809.**

**A bill to establish the University of Texas.**

Mr. Chilton moved to postpone the consideration of the bill until 7½ o'clock P. M.

Mr. Everett moved to lay the motion to postpone on the table.

On motion of Mr. Doom, a call of the House was ordered.

Mr. Cleveland moved to suspend the call: lost.

Mr. Everett moved to adjourn until 3 o'clock, P. M.; lost.

Mr. Everett moved to adjourn until 7 o'clock, P. M.; lost.

On motion of Mr. Chilton, the call was suspended.

Mr. Everett, by leave, withdrew the motion to lay the motion to postpone on the table.

The question recurring on the postponement of the bill until 7<sup>1</sup>/<sub>2</sub> P. M., the same was put, and the House refused to postpone by a vote of 34 yeas to 39 nays.

Mr. Jennings offered the following amendment to the bill:

"Sec. —. That in addition to the land hereinbefore appropriated, there shall be selected, surveyed and set apart, under the direction of the Governor, one hundred leagues of land, from any of the vacant public domain, for the endowment of the University.

"Sec. —. That the sum of fifteen thousand dollars, out of the money set apart in the bill, or so much thereof as may be necessary is hereby appropriated for the purposes of the next preceding section."

The House refused to adopt the amendment by a vote of 14 yeas to 46 nays.

Mr. Chilton introduced a bill setting apart fifty leagues of land for the establishment of the Literary College of Eastern Texas: read first time.

Mr. Chilton moved to suspend the rule and take up the bill; lost.

February 10, 1858, H. J. pp. 828-829

Mr. Kittrell, Chairman of the committee on Education, reported as follows, on a bill granting five leagues of land to each Literary College in the State:

A portion of the committee on Education, to whom was referred a bill donating five leagues of land to each of the Literary Colleges in the State, have examined the subject, and take great pleasure in commending it to the attention of the Legislature, as one eminently worthy of their favorable consideration.

They deem the application of the public domain to the purposes of promoting education as legitimate and proper, and the surest means of diffusing the greatest amount of good to the greatest number within our State—which is a principle that lies at the foundation of all wholesome and proper legislation.

Your committee would suggest that they deem the literary colleges of our State, which have struggled into existence by individual and associated enterprise, as every way entitled to and worthy of the fostering care of legislative patronage. They already exist among us, and are dispensing the lights of science and the general blessings of education. Some of them, indeed most of them, are languishing from the want of aid, and now, are loudly demanding it at our hands. Your committee do most earnestly hope that your honorable body will not turn a deaf ear to their wants and entreaties, but grant them the reasonable boon asked for in the bill under consideration.



As our finances are in a condition to preclude the hope of much pecuniary aid to these institutions, they would suggest that, to grant the *landed* aid asked for in the bill, would certainly be a much more legitimate and proper application of our public domain than to suffer it to pass into the hands of the greedy and rapacious land speculators, by which it might become an instrument of oppression, rather than a benefit or blessing to the people generally. Your committee, therefore, have instructed me to report the bill back as amended, and recommend its passage.

Mr. Upshaw offered the following as an amendment to the committee's amendment and the amendment thereto:

Strike out "Literary Colleges," and insert "five leagues to each county for common school purposes."

Mr. Clow moved to lay the whole subject on the table; lost, 19 yeas 45 nays.

On motion of Mr. Buckley, the bill and amendments were referred to a select committee of five.

Feb. 11, 1858, H. J. pp. 859-860

Mr. Roberts entered the following protest:

The undersigned members of the House of Representatives, in view of their obligations and responsibilities, most respectfully dissent from the action of the majority of the House, in passing a bill to be entitled an act to establish a "State University," and object to the same, upon the ground of its violating the guarantees of the Constitution of the State in the following manner.

1st. The same substance of this bill in regard to the establishment of a University, and endowing it with lands and money, has been embodied in a resolution heretofore offered to the House during its present session—and unequivocally rejected, in the usual and well understood manner of rejecting bills or resolutions. This was the clear and decided opinion of many members at the time, as expressed by them publicly as well as privately and so went forth to the world.

It therefore virtually and substantially violates the 22d section of the third article of the Constitution of this State, expressed in the following terms, viz:

"After a bill or resolution shall have been rejected by either branch of the Legislature—no bill or resolution containing the same substance shall be passed into a law during the same session."

2nd. The act of 26th January, 1839, appropriated and set apart fifty leagues of land for the establishment and endowment of *two* universities, as shown in Hartley's Digest, Article 884. This was a contract binding the State. Our bill appropriates the same land

to a different use, viz: to the endowment of *one* university--and in so far it effectually violates the contract implied in the former appropriation of the said fifty leagues, and contravenes that portion of the 14th section of the first article of the said State Constitution which is thus expressed, viz: *No law Impairing the Obligations of Contracts shall be made.*

We therefore object to the passage of said bill and hereby enter our SOLEMN PROTEST against the same.

M. F. Roberts, R. C. Doom, Johnathan Lewter, William M. Ross, Emory Lloyd, John H. Burnett, J. G. Collier, W. R. Shannon, G. R. Reeves, E. J. Shelton, J. M. Harrison, A. B. Norton, J. H. Barnard, F. D. McKenney, Richard Waterhouse, A. Bishop, Jesse Walling, D. R. Lacy, J. P. Scott, M. D. Hart, H. Rhodes, C. M. Lesueur, J. H. Crook, R. K. Gaston.

I subscribe to the first ground of protest,

W. R. Poag.

Austin 9th February, 1858.

**November 9, 1857; S. J. p. 57**

Mr. Paschal offered the following resolution:

*Resolved*, That so much of the Governor's message as relates to a Convention for the purpose of amending our State Constitution be referred to the committee on State Affairs; and so much of it as relates to a State University to the same committee; adopted.

O. B. 102. By Mr. Wigfall.

To establish a State University.

**Friday, November 13, 1857; S. J. pp. 78-79**

Mr. Wigfall, Chairman of the Committee on State Affairs, made the following report:

The Committee on State Affairs, to which was referred that part of the Governor's Message in relation to the establishment of a State University, have had the same under consideration, and instruct me to report the accompanying bill and recommend its passage.

Your committee deem it unnecessary to comment upon the necessity or advantage of such an institution. The universal experience of all civilized nations has demonstrated the necessity of institutions where the higher branches of scholastic education may be taught, and the advantages of having such an institution, within the limits of our State, where our youth may be taught at home, are too obvious to require comment. The measure has frequently been recommended to the Legislature, and it is believed no definitive action has been heretofore had because of the embarrassment of our Public Debt. That being now happily adjusted, and the condition of the public treasury fully warranting the measure, this is deemed

an auspicious period to provide for the endowment of a State University.

Your committee have forbore the expression of an opinion as to the place at which such an institution should be located. They have no doubt the wisdom of the Legislature will be directed to a suitable site. It is not a matter of so much importance as to where the University should be situated, as that we should receive the advantages of such an institution.

A bill to set apart and appropriate a fund for the establishment and endowment of a State University; read first time.

**Saturday, November 14, 1857; S. J., p. 88**

A bill to set apart and appropriate a fund for the establishment and endowment of a State University; read a 2d time, and on motion of Mr. Throckmorton, made the special order for the 1st Monday in December, and one hundred copies ordered to be printed for the use of the Senate.

**Monday, December 7, 1857; S. J. p. 166**

A bill to set apart and appropriate a fund for the establishment and endowment of a State University, special order for to-day, was taken up and read.

Mr. Lott moved to amend by striking out "one university" and inserting "two universities."

On motion of Mr. Potter, laid on the table by the following vote:

Yeas—Messrs. Britton, Burroughs, Caldwell, Erath, Grimes, Herbert, Hyde, McCulloch, Paschal, Potter, Quinan, Shepard, Stockdale, Taylor of Fannin, and Throckmorton—15.

Nays—Messrs. Fall, Graham, Guinn, Lott, Maverick, Pirkey, Russell, Taylor of Cass, Taylor of Houston, Walker, and Wren—11.

Mr. Taylor of Cass offered a bill setting apart fifty leagues of land for the endowment of two universities, as a substitute for the bill reported by the committee.

Mr. Throckmorton moved a call of the Senate—carried; absent, Messrs. Wigfall and Martin.

On motion of Mr. Taylor of Cass, Mr. Martin was excused on account of sickness.

**Monday, December 7, 1857; S. J. p. 167**

On motion of Mr. Stockdale, the bill to establish a State University, and the substitute offered therefor by Mr. Taylor of Cass, was re-referred to the committee on State Affairs, with instructions to enquire into the state of the Treasury, and ascertain what funds

are in the hands of the State which may be appropriated for the purpose of endowing one State University, and if they find a sufficient amount, they report a bill for the establishment of such university, if the committee deem it expedient.

Saturday, January 16, 1858: S. J. pp. 345-349

Mr. Wigfall made the following report:

I am instructed by the committee on State Affairs, to whom were referred the bill for establishing a State University, with the substitute bill, establishing two, and the resolution requiring the committee to ascertain the condition of the Treasury, and report a bill for establishing one University, if expedient, to report that there will be in the Treasury, on the 30th June, 1859, above \$500,000, subject to appropriation. The examination of the committee on this subject has been thorough. The basis of this calculation is given below, marked Exhibit A.

The committee deem it expedient to establish one University, and but one. They do not use the term University in its largest, and, probably, generally accepted signification—an universal school, in which are taught all the various branches of learning, arts and science. It is deemed expedient to dispense with the faculty of theology, for the obvious reason that its establishment would involve the necessity of deciding upon the orthodoxy of the different sects into which the religious community is divided. All are tolerated and protected. None can be encouraged, or established by law. It is believed, however, that all will be greatly benefitted by the establishment of a University, in the more limited sense, composed of the three faculties of Law, of Medicine, and of the Arts, Sciences and Literature. And religious sects, by establishing in the vicinity of the University, a Theological college, in which is to be taught its peculiar tenets, will be saved the expense of employing professors of languages, history and the sciences, which are necessary to be studied, and understood by those who are to expound the scriptures. This great advantage, it is believed, will soon be seen and appreciated by the different religious sects in our country. Churches will rapidly be built near the University, and thus, without any invidious interference on the part of the State, ample opportunities will be offered to all who attend it, to worship God after the dictates of their own conscience.

By establishing a University instead of a College, great advantage will be offered to all—both the rich and the poor. No particular course of study will be prescribed; no procrustean rule established; no impracticable efforts will be made to prepare all for every pursuit in life, but each may be fitted for any he may de-



sire. The student of law may add to his course agriculture, chemistry, literature, history, political economy, and languages. The student of medicine, languages and science; he who intends to become a tiller of the soil may study alone agricultural chemistry, or, if he would become a useful citizen, and prepare himself to occupy that position in life, with credit to himself and benefit to his country, for which his vocation so peculiarly fits him, he may add to his studies political economy and history.

To establish even one University, which will be of any practical benefit to the people, the outlay must be large. What is called economy is often extravagance in disguise. Parsimony is always so. In addition to the lecture rooms, which should be large, it will be necessary to erect an observatory, and procure a library, philosophical apparatus, cabinet of minerals, etc. What is worth doing at all, is worth doing well—"niggardliness is not good husbandry." State pride forbids the idea of establishing an institution not commensurate with the vast resources of the State. The lectures should be free to all citizens of the State. No monopoly of learning should be secured to wealth. The funds we are appropriating were purchased by the blood of the heroes of our Revolution. The sons of the patriots of that period, who bought the liberty we enjoy with their fortunes, should not be excluded, even if it were necessary to resort to taxation. But taxation will not be necessary if we discard the chimerical idea of establishing two Universities. The cost of one, such as should be established, will require all the means the State can command, large as they are. The interest upon the amount necessary to establish the second would pay the professors of the first. Is it better to have two, into neither of which the sons of any but the rich could enter, or one, which would be open to the poorest youth in the State? Establish a University in the east and one in the west, and the sons of all will be excluded, except those of the rich. Establish one, whether east or west of the Trinity, and it will be open to all, whether rich or poor. Your committee would regret to see the descendents of one who perished at Goliad or in the Alamo, excluded from an institution of learning founded by the State from the very fund furnished by his blood, into which the son of a fortunate land speculator could buy his way. Those considerations alone, would induce your committee to favor the establishment of but one University, were there no others; but there are other and even higher considerations.

It must be the wish of every patriot that all sectional differences, which now unhappily prevail, founded upon mere locality should cease. Establish two Universities—one in the east and the other in the west—and the youths of the different sections of the State

will be educated at their respective institutions. Will not a rivalry at once spring up between the two institutions. Will not the youths of each become imbued with those sectional prejudices? May not different systems of political philosophy be taught in the rival institutions? Texas should be a unit. No friendships are so lasting as those formed in early youth. No ties so binding as those of college life. The chum is a brother, not of accident, but of choice.

Then let us bring our youth from the east and from the west, from the north and the south, and educating them at one common institution—teach them to feel that they are Texians. When their hearts are most susceptible of impressions allow them to form friendships which will last with life. When they meet upon the great theatre of action, let them meet like brothers. Establish two institutions, and you will already have formed two states. Those who have been educated out of a common fund will meet in your Legislative Hall like strangers—they will feel like strangers—they will act like strangers. A division of the State has ceased to be thought of, except by those who love place and power more than country—those for whom there are not offices enough. The equilibriums between the north and the south can never be re-established by a division of the State. If Texas is to remain in the Union, as must be the wish of every patriot, her power and influence will be diminished by division. New England, as one State, with but two Senators on the floor of Congress, would, by her vote in the electoral college, control the destinies of the country. New York, divided, would be shorn of her power. Texas came into the Union as an Empire. Let her remain in it an Empire, or go out of it an Empire. Virginia, when the Empire State, furnished protection to her sisters of the South—she has been overshadowed by New York. Let Texas take her place. Under her guidance the South will be safe—the Union will be safe.

Your committee have, according to instructions, reported a bill for the establishment of one University. They cannot hope that its details are perfect. It is but the entering wedge. Future Legislatures can complete the work they have begun, supply the deficiencies and correct their blunders. If nothing is begun nothing can be finished. They deem it important at this time to make the appropriations, for fear that at another there will be nothing to appropriate. They have not thought it expedient to determine the location of the University. That, in their opinion, is a matter of but small consequence, so that there be but one. If open to all, they doubt not it will be resorted to by all, whether it be established in the east or west, or in neither. The question is, shall we have a University? not where shall we have it. They would regard

any suggestions as to locality as ill timed, and as calculated, if not intended, to destroy this great undertaking. They cannot consent to sacrifice patriotism upon the altar of selfishness. They feel that they would be unworthy to sit in the councils of the State could they not leave their miserable neighborhood prejudices at home. It was not for the east or the west that the blood of our patriot-heroes was shed in 1836. It was for Texas that they bled, for her independence, her glory and prosperity.

There is one other matter to which your committee will briefly allude. It seems to be supposed by some that it was the intention of the Congress of 1838 to establish an eastern and western University, and that we should be governed by that initiative. This opinion results from an entire misapprehension of the facts. The journals of that Congress show that the Committee to whom was referred President Lamar's message, reported a bill appropriating land to two institutions, "one to be established in Eastern and the other in Western Texas"—that the words eastern and western were stricken out—(Journals of House of Representatives, page 279). Your committee is informed upon good authority, that the appropriation to two institutions was not made with a view to establish two, for young men, and make the institution sectional. The idea was suggested, but was indignantly frowned down by the patriots of that day. The words "Eastern and Western" were stricken out, as has been suggested, and the word "two" retained, that one might be established for each of the sexes, should it afterwards be deemed expedient.

I am further instructed by your committee to introduce a joint resolution, (marked exhibit B) for altering the constitution so as to secure the donations of lands to the University and public schools, and do not doubt, should it pass, that it will be ratified by the people. The necessity is so obvious that argument is deemed useless.

All of which is respectfully submitted.

LOUIS T. WIGFALL, Chairman.

#### EXHIBIT A.

Comptroller's estimate of funds remaining in the Treasury, 30th June, 1859. . . . .	\$159,348.19
An examination of the Comptroller's report will show that the above balance is estimated from the funds now in the Treasury, and that he has not taken into account the State taxes to be received into the Treasury, between this time and the 30th of June, 1859. These taxes should be added to the above balance. The taxes for 1857 amounted to over \$300,000. For	

several years past the taxes have increased 10 per cent per annum. Estimate the taxes of 1858 at \$330,000, from which deduct expenses for collecting, &c., and there will remain about.....\$ 280,000.00

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\$439,348.19

In making the above balance, the Comptroller estimated all the appropriations that might probably be made, at the present session, as all heretofore made, of which at least \$30,000 will never be used. He also estimated that it would require about \$225,000 to pay the outstanding public debt of the Republic, which is believed to be over estimated, at least \$70,000. Deduct, then, two accounts, and the balance in the Treasury will be increased. .... 100,000.00

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Money in Treasury, June 30, 1859. .... \$539,348.19

# EXHIBIT B.

## JOINT RESOLUTION Proposing an Amendment to the Constitution:

*Be it resolved—by the Legislature of the State of Texas:*

That the following be and the same is hereby proposed as an amendment to the Constitution of the State of Texas, which when ratified, in the manner described by the thirty-seventh section of the seventh article of said constitution, shall be valid to all intents and purposes, as a part of said constitution.

The third section of the tenth Article of the Constitution of the State of Texas shall be amended, so that it shall read as follows, viz:

Sec. 3. The public lands that have been heretofore or that may hereafter be granted for public schools, to the various counties, or other political divisions of the State; and the public lands that have been or may hereafter be appropriated for a State University, shall not be alienated in any other manner than by a sale at public auction, to the highest bidder, at not less than a minimum price, to be established by the Legislature, which minimum price shall not be established at less than one dollar an acre.

[In the passage of this joint resolution through the House, the House Journal shows no reference to the University. It originated in the House November 5, 1857, with reference only to county school lands. The joint resolution passed, but there was a minority report against it applicable to the University lands as well as the county school lands.]

S. J. pp. 350, 493, 575, 601, 629, 630, 633, 635; H. J. pp. 19, 158, 159, 468, 483, 512,, 525, 541, 603, 654, 806, 891, 892, 899, 902.



**Saturday January 16, 1858; S. J., p. 351**

A bill to establish the University of Texas, read first time.

On motion of Mr. Wigfall, the rule was suspended, bill read second time, and made the special order for Tuesday next, the 19th inst.

**Tuesday, January 19, 1858; S. J., pp. 364-365**

A bill to establish the University of Texas, special order for to-day was read.

Mr. Lott moved to postpone the bill until Monday next, and that it be printed.

On motion of Mr. Herbert, the motion was laid on the table.

Mr. Throckmorton moved to amend by striking out "five," in fourteenth line of Section 2, and inserting "ten."

Mr. Paschal moved to lay the amendment on the table; lost by the following vote.

Yeas—Messrs. Caldwell, Erath, Herbert, McCulloch, Maverick, Paschal, Pirkey, Potter, Quinan, Shepard, Stockdale, Taylor of Fannin and Wigfall—13.

Nays—Messrs. Britton, Burroughs, Fall, Graham, Guinn, Lott, Martin, Russell, Taylor of Cass, Throckmorton, Truitt, Walker, Waley, and Wren—14.

The amendment was then adopted by the following vote:

Yeas—Messrs. Britton, Burroughs, Fall, Graham, Grimes, Guinn, Lott, Martin, Russell, Taylor, of Cass, Throckmorton, Truitt, Walker, Whaley and Wren—15.

Nays—Messrs. Caldwell, Erath, Herbert, Hyde, McCulloch, Maverick, Paschal, Pirkey, Potter, Quinan, Shepard, Stockdale, Taylor, of Fannin, and Wigfall—13.

Mr. Taylor of Cass offered the following as an amendment.

*Provided*, that the said University shall be located between the Brazos and Trinity rivers.

On motion of Mr. McCulloch, laid on the table by the following vote:

Yeas—Messrs. Britton, Caldwell, Erath, Graham, Grimes, Herbert, Hyde, Lott, McCulloch, Maverick, Paschal, Pirkey, Potter, Quinan, Shepard, Stockdale, Taylor of Fannin, Throckmorton, and Wigfall—19.

Nays—Messrs. Burroughs, Fall, Guinn, Martin, Russell, Taylor, of Cass, Truitt, Whaley and Wren—9.

The bill was then ordered to be engrossed.

**Wednesday, January 20, 1858; S. J., p. 366; S. J., p. 369-370**

Mr. Russell, chairman of the committee on Engrossed Bills, reported.

A bill to establish the University of Texas.

On motion of Mr. Potter, the rules were suspended, and a bill to establish the Texas University was taken up and read third time.

On motion of Mr. Potter, the bill was amended by adding:

Section 15. This act shall take effect and be in force from and after its passage.

The bill was then passed.

**Monday, February 8, 1858; S. J. p. 562**

A message was received from the House informing the Senate that the House had passed—

A bill to establish the University of Texas.

**Tuesday, February 9, 1858; S. J. p. 571**

Mr. Burroughs, from the committee on Enrolled Bills, reported the following bill correctly enrolled, properly signed and this day presented to the Governor.

A bill to establish the University of Texas.

**Wednesday, February 10, 1858; S. J., p. 578**

Mr. Taylor of Fannin, introduced a bill to locate the State University, and

Mr. Caldwell introduced a bill to locate the University of Texas, which were read first and second times and referred to the Committee on State Affairs.

[The following pages, 87 to 170, are from the

**State Gazette Appendix, Vol. 2, 1858**

which supplements the Journals of the Seventh Legislature.]

**House, Wednesday, November 11, 1857, pp. 4-5**

**Reports—State University:**

After various petitions had been read and referred,

Mr. Kittrell, chairman of committee on Education, made the following report: [See p. 66 for text of this report.]

MR. KITTRELL said:—Mr. Speaker, my object in rising at this time is simply to call the attention of the House to the objects embraced in that report. If I can succeed in obtaining for it a careful hearing, I will trust to the liberality of the Legislature for the

result. I have not now, sir, the remotest intention of inflicting a speech on the House. Whilst the importance of the subject of a State University would justify such an attempt on my part, yet the feeble state of my health, the shattered condition of my lungs, especially, precludes such a thing at present. I must, however, be permitted to say, that this perhaps is a measure fraught with as much interest to the State of Texas as any other which will engage our attention at the present session.

There is none which commends itself more strongly to the patriotism of the members of this House, and none which at present engages a larger share of public attention. It is one we should consider calmly and carefully on its merits, divesting ourselves of all sectional feelings which may prove hurtful of this measure. This is not a local measure, but one of general interest. My object in calling the intention of the House thus early to the subject is that it may be placed in the front rank of the business of the session, in order that time may be allowed to perfect a scheme suitable in all its details to the wants and dignity of the State, if it shall be the pleasure of the Legislature to entertain the proposition favorably now. Another reason for prompt and immediate action is, I have just learned that the Senate's Committee have this morning taken action on this question, and have decided to recommend a liberal appropriation in land and money to this object, and we wish some definite action here, in order to enable the two committees to have a consultation and some concert of action.

MR. JENNINGS:—As I belong to that committee, and it was not my fortune to have been notified of the time of meeting, and consequently I was not present when this subject was under consideration, it affords me great pleasure to express my full concurrence in the remarks of its accomplished chairman. I will add another word, or two, because I think it may be necessary, in order to remove some misunderstanding or misapprehension which may possibly exist in the minds of some gentlemen.

I understand that a University includes all the colleges or departments—law, medicine and literature. And now, sir, I am willing to show my hand thus early in regard to the location of the different branches or departments of our State University, because I want members to think about this matter. I am so certain that I entertain correct views in relation to the subject, that I do not hesitate to throw them out here now.

I think I may say without any sort of hesitation, that there are but two places in the State of Texas, where we could establish the Medical Department with a reasonable hope of efficiency, and those

two places are Galveston and Houston. They are far remote from me, and my impartiality in saying this, should any one be disposed to charge me with a sectional bias, cannot be assailed in the slightest degree. This is so, because without a good number of subjects, and without hospital practice, it would be a vain effort to undertake to teach the art and science of medicine. I entertain as little doubt that, as this city is the headquarters of the law—the seat of the Legislature and of the Supreme Court—and offers the best facilities for improvement in that branch, the Law Department ought to be here. And I entertain as little doubt that the Literary Department ought not to be here. I have three sons, Mr. Speaker, and, I say it in the presence of God and my country, that I would let them be uneducated stockraisers or muledrivers before, in the effort to become well educated, they should learn the accomplishments of Congress avenue. I want the Literary Department of our University fixed on some virgin league of land, in a well-timbered, well-watered and healthful locality, where the population of the surrounding country is, and is likely to remain the most dense, thus accommodating the great number by a residence near the seat of learning. I would desire this league of land to be purchased by the State, and, after reserving a sufficient quantity for the college purposes, that the residue be sold out in lots of suitable size, with condition of forfeiture if tippling or gaming establishments be conducted on them.

MR. CHILTON said:—As there was a number of members of the committee who were not present when this report was adopted, and there were some who entertained different views in relation to the subject, he would move a postponement of its consideration to Monday next.

On motion of Mr. Chilton, made the special order for 11 o'clock A. M. Monday next.

**House, November 16, 1857, p. 9**

*Reports*—Kittrell, Chairman of the committee on Education, reported a bill to incorporate Colorado College, in Colorado county. Chilton, from the Committee on Education presented a minority report recommending the endowment of two Universities.

**House, November 19, 1857, p. 12**

Kittrell, Chirman of the committee on Education, made the following report:

*Hon. W. S. Taylor, Speaker of the House of Representatives:*

Sir:—The committee on Education, to whom was referred the resolution enquiring into the expediency of establishing somewhere



on our coast, by the joint effort of individual and State aid, a College or institution for the purpose of teaching the youths of the country the science of Navigation and Civil Engineering, and the arts of Ship building and mechanics generally, have duly considered the same, and have instructed me to say that, while an institution of the kind proposed, if it could be put in successful operation, might be of much service to Texas, yet they doubt whether, in the present imperfect and unfinished condition of our educational system, it would be prudent for the State to engage in such an enterprise. They deem it more legitimately (if necessary at all) one of private enterprise. They would suggest, if the plan now contemplated for establishing a State University be carried out, that the theory of the branches proposed in the resolution of inquiry before them, will of course be taught in said institution, and other literary institutions of a high grade in the State, and of course the purposes of such an institution will be to some extent accomplished. The practical part of the branches of education sought to be established by such a school, will have to be learned in the work-shop and on the high seas practically. Your committee are of the opinion that in view of these facts, it is unnecessary for the State to engage in such an enterprise at present, but should it be originated by private enterprise, and prove of that practical benefit contemplated by its friends, then it will be proper for the State to render such aid, and take such interest in it as her wants or necessities may dictate.

P. W. KITTRELL, Chairman.

On motion, report taken up and adopted.

House, November 23, 1857; pp. 16-20

#### University.

The report of the committee on Education, in relation to the creation of one or more State Universities, being the special order of the day, was taken up.

MR. MURRAH discussed the subject at some length. (His remarks will follow hereafter.—Reporter.)

After a few remarks by Mr. Munson.

MR. KITTRELL said:—Occupying the position I do in reference to this question. Having been the author of the report and resolution now before us, under the instructions of a large majority of the very intelligent committee on Education, of which I have control, it will probably be expected of me that I should say something in defense of the action of the committee. This is, indeed, the more necessary from the fact that it is meeting with more opposition than was anticipated.

In the discussion of this question, I will endeavor to confine myself to the two preliminary points embraced in the report, namely: whether it is the sense of the present Legislature to establish a State University at this session, and if so, whether we will decide to have one or two. You will remember, sir, that the report before us states, that "in view of the trouble and difficulty in maturing and digesting a plan for an University in all its details, your committee thought it best to confine itself to these two preliminary points," and I regret, sir, that gentlemen in opposition to this measure, especially those in favor of the scheme for two universities, should have allowed themselves such latitude in debate, should have embraced in their remarks points not now legitimately before us. Like the gentleman from Harrison, who has just taken his seat, (Mr. Murrah), I was surprised to see the silent vote taken just now, on a question of so much importance. Nor should the vote, have been a silent one, but for the reasons, that I saw an uncommon unanimity in favor of the adoption of the resolution accompanying the report, which is justly regarded as a test of the sense of the House touching the main question, viz: whether we will, at this session, engage in this enterprise at all. Here, sir, I would have been willing to let the matter rest for the present, until the committees of the two houses, on joint consultation, could have devised and agreed on a plan, and the ways and means necessary to carry into effect the almost unanimous wish of the representatives of the people, as just now expressed by their vote.

But as gentlemen have seen fit to revive it by a motion to reconsider, in order that it may undergo the ordeal of discussion, I trust the question will be met fairly and frankly, that gentlemen will divest themselves of all local, sectional, or selfish considerations in its examination. Like the gentleman from Harrison, I wish to view it practically. It is a practical question, one which commends itself, in the language of the report, "not only to our careful consideration, but strongly to our patriotism." It presents itself to us as a great question of State policy; one, I think, sir, that you, that this House will agree with me when I say, it is fraught with interests as immense to the future welfare and prosperity of Texas, as any that can possibly command the attention of the Legislature at this session. And I am happy, here in my place, to be able to enunciate the pleasing truth, that from my intercourse with my fellow members since I have been here, of both bodies, I have found but little opposition to this enterprise; but, on the other hand, a commendable spirit of liberality, which augurs well for its success.

This fact, sir, renders a formal and lengthy defense of the action of the committee, as to the main point at issue, unnecessary. A

bare statement of the reasons, without comment, which led your committee to a favorable conclusion touching this matter, is all that seems to be required.

Your committee, sir, deemed this a period eminently propitious for engaging in this enterprise. First, because of the ability of the State to do so. We have still in our coffers an unexpended balance of the U. S. 'five per cent. bonds not called for or needed for any other purpose save the one under consideration. That sum, say near half a million, is being constantly frittered away in visionary schemes of wild experiment and speculation, which have marked the character of our legislation ever since we have had a surplus in the treasury, and soon it will be exhausted. Then sir, these great and necessary State enterprises, if carried on at all, will have to be done by money drawn directly from the people's pockets, which will defeat the whole scheme, or so cripple and limit its operations and benefits, as to amount to almost a total destruction of the advantages of the measure.

Your committee, sir, secondly, believed, that in addition to the reasons just urged, the time has arrived for engaging in this project; from the fact that our vast area, which trebles that of the whole of New England, and is four times as large as that of any other State in the Union, is now rapidly filling up by an influx of population from the older States, and the old world, where they have been accustomed to the advantages such an institution dispenses as the one under consideration. Besides, they believe there are hundreds of others of wealth and influence, waiting to see Texas carry out that great educational system contemplated by the founders of our country, and for which they made such munificent provision. They are waiting to see such schools here as will enable them to educate thoroughly their children, without being compelled to send them abroad to be educated. This being done, they will cast their lots among us, and by their wealth, numbers and intelligence, will enhance the interests, and aid in developing the vast resources of Texas.

Your committee, then, sir, in view of the fact that we have the means, without taking a cent from the people, and for the other reasons that have been mentioned, and many others that could be urged, did any dissension on this point render it necessary, had no hesitation in recommending this measure to the favorable action of the Legislature.

But, sir, I regret to see that on the second point in the report of the committee there should exist a difference of opinion, which, if persisted in, may seriously prejudice this whole measure, if not wholly defeat it. My apprehensions of this result would be much greater, did I not know that the opposition comes from educated,

enlightened and liberal gentlemen, who are heartily in favor of the main scheme proposed by your committee. Gentlemen who have had the benefits of the lights of science and education themselves, are willing, nay, anxious that those benefits should be dispensed, by some well-directed and efficient system of education, to the remotest corner of our State, and to the humblest child of genius, poverty or misfortune, within her borders. I speak not this, sir, in a spirit of flattery or adulation. I deal not in such language. But I do know of this class are my friends from Smith and Harrison, for I have known them long. And on this account I regret the more that I should be called on to differ from them in any respect touching this question. But I must be permitted to say, that I think that the gentleman from Harrison attaches too much importance to minor considerations, as connected with the two points now before us. Indeed, sir, I regret that in his remarks he traveled out of the record, and discussed the question of *locality*, which is not now properly before us. That is one for future consideration, should the Legislature decide favorably on the main question, and one, too, I am fearful will give us much trouble; and as "sufficient to the day is the evil thereof." I was opposed to any allusion to that question at this time. But as he has deemed it legitimate, and has been indulged in the latitude by the House, it may be necessary to notice his arguments, lest they may exert some undue and injurious influence on the main question in issue. From the guarded and cautious manner of the gentleman's argument, it was difficult to tell whether he intended to hold the question of *locality* as paramount to all other consideration. I believe he did not directly advocate the erection of two universities, one in the East and the other in the West, but the legitimate inference from what he said is, that should we decide to have an university, and its locality don't suit him, he will then be in favor of two, or of submitting the whole scheme to the people. His argument, sir, embraced a learned dissertation on climate, water, etc., etc., as connected with health. In doing so, I must think he has drawn largely on his fancy, that he is much more competent to solve a knotty question in law, than to give a lecture on *Hygiene*. From the practice of the medical profession for upwards of twenty years, I think I may claim, without arrogating to myself a great deal, at least an equal knowledge of these things with my friend from Harrison; and in so doing, I must say he has given undue importance to subjects mentioned in his argument, the whole of which seems predicated on the idea that a timbered country is healthier than a prairie country, and that the water in a timbered country is healthier than prairie water. The gentleman's premises are wrong, consequently his deductions must be so. If he will take the pains to collect



some health statistics, he will find the result greatly in favor of a prairie country. I speak, sir, not from observation, but from experience. I have tried both conditions since I have been in Texas, and my conclusions are greatly in favor of a prairie country for health. I am informed that for the time Rutgersville College has been in operation, thirteen hundred boys have been educated there, and there has been but one death. The Hon. Forbes Britton, of the Senate, who is an educated and intelligent man, says that the United States army has never enjoyed such health as when lying on the prairies of Texas, and drinking the great variety of waters which we find there. These being the facts, the argument in favor of locality is decidedly in favor of a prairie locality. I think the gentleman will concede that many parts of Eastern Texas are sickly. Chills and fevers are a staple commodity in many parts; and as for the dreaded northerners from which he seems to shrink with so much horror—why, sir, he lives near where they come from, some three hundred miles north of this, where they spend half their fury before they reach here. But, sir, all of this will be more appropriate when we come to argue the question of location.

I will not pay my respects to my friend from Smith, (Mr. Chilton) who may justly be regarded as the champion of the two university scheme, for he openly avows it. A lengthy argument in reply to his notions touching this point, I deem unnecessary at this time, for we had occasion to shiver a lance a few days since on this point. He then furnished me with all the arguments necessary to fortify me in my opposition to the scheme of two universities, by admitting all of my premises, for which I then took occasion to tender him my acknowledgements. I would then ask, are we prepared, by pandering to a sectional jealousy, or a misconception of sectional interests, to divide and fritter away the means which we have to enable us successfully to carry out this enterprise, provided we judiciously use and concentrate those means. Common sense will teach us that it will take just twice as much to get up and sustain two institutions of the kind under consideration as it will one. Besides, as the gentleman from Smith admits, the idea of two universities in one State is an anomaly in the history of States, and of their literature. Why, then, should Texas be made an exception? There is nothing peculiar in her condition or institutions requiring it. The gentleman admits that there is a spirit rife, and increasing in our State, alienating one section from the other, and tending strongly to a division of the State. Then why, sir, encourage and foster a scheme admitted to be pregnant with consequences which result so disastrously to Texas?

The gentleman from Smith falls into the same errors as to climate, and water, and such things as these, that marked the argu-

ments of the gentleman from Harrison. I must, sir, insist that these are minor considerations, when contrasted with the main question. Then why should they cling to them with such pertinacity, even at the risk of defeating the main question? They seem to forget the practical effect of their arguments. They seem to forget that we have now two hundred youths of Texas being educated in Northern schools, where the climate is much more rigorous than ours, where they are much more liable to contract diseases inimical to health than here. And more than that, where their young and plastic minds imperceptibly imbibe sentiments and feelings hostile to our Southern institutions and principles. Yes, sir, the money which is annually expended out of our State, in the education of her youth, would soon endow all the professorships in the colleges of the State. Then, sir, away with those minor objections. One great State university is imperatively demanded. Public necessity and public sentiment alike demand it. It is impossible, in a State having a territory so vast as ours, with an area seven times as large as that of Pennsylvania, with every possible variety of soil and climate and population, water, etc—I say it is impossible to devise any plan by which every part of the State can be accommodated in regard of those things. Then, I say, the question of locality should be held in abeyance at this time.

But, sir, I am afraid I have consumed too much time on this point. I am satisfied, from my intercourse with my fellow members in this House, that there are not more than half a dozen who favor the wild Utopian scheme of two universities. I think there is a generous and healthful spirit in this legislature, which will prompt them to come forward on this question, and sacrifice their local and sectional feelings on the common altar of their country's good. I believe, sir, that even my friends from Harrison and Smith will be found so doing in the finale of this matter. They seem to affect a great contempt for dollars and cents, in carrying out this enterprise; but I can tell them we may indulge here in high-sounding phrases, in beautiful and well-rounded periods, but when we come to reduce an enterprise of this kind to practice, "dollars and cents are a *sine qua non*." Without them, sad experience has taught us that all public enterprises languish and die. Dollars and cents are the Prospero's wand which must bring them into existence. We may light up and warm those institutions with gas after they are completed, but, sir, we cannot build them with gas.

But, sir, I must close. The interest which I have felt in this matter, has led me to trespass too long on the time and patience of this House. And whilst I tender them my apology for the same, I at the same time tender them my kindest thanks for their re-

spectful and patient attention. In conclusion, I must felicitate myself, and my friends from Harrison and Smith, that we can meet on one common ground; that is, in our appreciation of the great enterprise under consideration, and of the benefits and blessings of education generally. Like them, sir, and a great majority of this House, I have come here, and made this State the home of my adoption. I have identified my interests with the rising and growing interests of Texas. I have no other interests to consult. And if there is any one thing in which I feel a greater concern than another, it is in the diffusion of knowledge over my adopted State. And I regard the measure now under consideration, as the climax of that great educational system which I am proud to say it seems to be the pleasure of the people of Texas to establish.

Mr. Speaker, unlike my friend from Harrison, I have sons to educate. I have boys, and I think them sprightly boys. I desire to educate them in Texas, and I want institutions here at home, in which I can give them a thorough, a finished education. So that, like the mother of the Gracchi, I may be enabled to point to them and in the pride of my heart, say, "*these are my jewels.*" Yes, sir, when these limbs of mine shall totter from the infirmities of age, I want to lean upon my boys, and be enabled, in the fullness of a joyous heart to say, these are *Texas made*, Texas reared and Texas educated; and when I send them forth to fight the great battle of life, wherever they may roam over the wide expanse of our beautiful State—whether they look down from the rich luxuriance of her wide prairies and beautiful valleys, I want them, with pride and exultation, in the language of Scotia's favorite bard, to be enabled to say, "this is my own, my native land." Yes, sir, I want this *Mecca* of science reared, to which they, and their children, and children's children, may make their annual pilgrimages, and point to her moss-covered walls, her lofty domes and towering spires, and say, there is my *alma mater*—there, too, my fathers imbibed that rich lore, which has fitted them to fill well their stations in life, and to hand down an useful and honorable name to posterity.

I have done, sir, I hope this bill will pass.

MR. CHILTON: But for the shape which this discussion has assumed on its renewal to-day, I should have contented myself with the remarks I made a few days since, without addressing the House further on the subject; but allusions have been made, which, if unexplained may have a tendency to place me in a false position, not only before the country, but in the eyes of those who heard my previous remarks. I am glad, as it is, that gentlemen who are taking opposite position, here upon this question, know me well enough

to know that I am a zealous advocate of the general policy indicated by the majority report of the committee.

I am in favor of organizing a vigorous and thorough system of education in our State.

In saying that there was a growing spirit of alienation amongst us, I did not make special reference to the sections of the country represented by the gentlemen from Harrison, Madison, or Brazoria, nor did I intimate any sympathy with such a spirit on my own part. I only spoke what I know to be the fact, with reference to every section of the State—I know that such a spirit does exist. And I must be excused for cautioning members here to-day against indulging in any course of action which would fan the spark, which now lies smouldering beneath the surface into a consuming flame. I say here to-day, in all candor, that the desire to crush out this spirit of discord in its incipency, was one of the principal motives which led me to introduce the minority report, recommending two State Universities. I care not whether they are called Colleges or Universities. I mean by the term, places where the youth of the country can receive a finished education. If any objections which gentlemen may entertain can be removed by substituting the word College for University, I would cheerfully yield the point for the people of the country will understand, that when the Legislature of the State of Texas has determined to establish two State Universities or Colleges, it was done for *their* benefit, and for the purpose of affording to both sections of the State the same advantages and facilities.

I have said, Mr. Speaker, that there was a spirit of alienation already existing. I know it to be a fact. And I say it is our bounden duty—an imperative obligation is resting upon us in the position we occupy, by the course we pursue on this as on other questions—to allay this hostile sectional feeling, and lull the rising storm of dissatisfaction.

We occupy a position which will enable us to do that; and we should make use of the opportunity afforded us to suppress this thing in its infancy, to crush it out entirely and forever. And how can this be done? Sir, it can be done by impressing it upon the minds of the masses throughout the country, that those of us who come here from far distant extremes of the State, from the Rio Grande and Red River, meeting at the centre in Travis county, can and do act together harmoniously for the benefit of every portion of the State. Thus, sir, the necessity for a division of the State, which now appears to their minds, or to some of them, to exist, will be removed, and this feeling will become extinct.

I can see that in the East there is a great restraining influence to be brought to bear upon the people there when division is spoken of. It is the brotherly regard which the people of that section



entertain for those of the western section of the State, and a fear that a free State might be formed out of the western portion of our now existing State. This may be unfounded. It certainly exists. If we convince those people that we have no regard for their interests, this wholesome, restraining influence may be removed.

The gentleman from Harrison suggests that this Bill be submitted to the people for their approval or rejection. In reply to that proposition, I would simply say, that I for one consider that I have been sent here to legislate for my constituency, and I shall oppose any proposition to submit a matter of legislation, not provided for in the Constitution, to a vote of the people of Texas. I stand here ready to legislate upon this or any other question, and if the people choose to repudiate my action, let them do it in the proper way. I hold it to be farcical in the extreme for members to come here and draw their *per diem* for legislating, and then call upon the masses to legislate for themselves.

I pledge myself to-day, first, to vote for the establishment, of two universities, and if I find a majority opposed to that plan, then to come in from the banks of the Sabine, and strike hands with gentlemen from the Rio Grande, and bend my energies to the establishment of a mammoth State University, to be located where it may.

Let us first determine the question whether we will have one or two universities. I prefer two. I will not, however, make a compliance with my preference a *sine qua non*—the hinging point upon which my advocacy of the cause of education turns.

I hope the gentleman from Madison (Mr. Kittrell,) will not place himself in the position of the bad general who underrates the strength of his adversary. He will find that there are others in this House who entertain the views I do, and will perhaps vote as I do. But let me assure him, should he vote my plan down, I pledge myself then to co-operate with him, and those who think with him, in the establishment of one magnificent university, which shall rival the Cambridges and Oxfords of the old world. And I shall then advocate the city of Austin as the place of its location. I will not pander to a feeling of sectionalism in this or any other matter, while I have the honor to have a seat upon this floor. Should there be but one university, I believe this is the place. The youth of the country should be sent to a point where there is a stimulus to exertion beyond those which exist in ordinary schools. They should have an opportunity to attend the meetings of the Legislature, and the sessions of the Supreme Court, and to profit by all the elevating influences which can be brought to bear upon their minds in the Capital City of their State. Their standards of morals will thus be improved, their intellects will be sharpened, and they will acquire at an early age a store of political

and governmental knowledge that will be of the highest advantage in after life.

You have spent thousands here already upon public buildings. You have an elegant Capitol, a Land Office, a Treasury Department, and many other State buildings. Here let your State University be erected, and, by the aid of subordinate schools throughout the State, which will send in their pure waters to swell the mighty deep, it will be an honor to its founders and a pride to the State.

I am prepared to do anything that lies in my power to promote the great cause of Education. And I do not wish gentlemen to throw out any remarks which would seemingly place me in a false position.

I trust I am understood. I shall and do warmly advocate the establishment of *two* Universities; and if in this I am overcome by a majority, I shall cheerfully fall into the ranks and vote for one.

MR. EVERETT:—I am all unused to the splendid magnificence which surrounds me here. It has been my fortune heretofore to move in too humble a sphere to become accustomed to carpeted floor and marble halls. But, sir, I am entitled to a position upon this floor by the endorsement of those who know me well and love me, and whenever, therefore, in my humble judgment, the rights of those I have the honor in part to represent, are assailed upon any question by any man or set of men, I shall, however doubtful of my humble capacity, claim the privilege, in common with others here, to defend the rights of my constituents. And gentlemen will find that I cannot be driven from any position by extravagant, complimentary sarcasm, and by illtimed, ungenerous irony. I beg leave to differ decidedly from some of the gentlemen who have addressed the House in the discussion of this subject. The question is upon the report of your Committee on Education. The report comprises two distinct and important propositions. The first is, shall we have a University? The second, shall we have more than one? Upon the first proposition there would seem to be little or no difference of opinion. The people of the State, through their representatives here, have spoken trumpet-tongued in favor of an enterprise so magnificent and so grand as the erection and endowment of a State University. But it seems there are gentlemen here who are disposed to go beyond the example of every other State in the Union, and force upon the people of Texas the establishment of TWO Universities. And the gentleman from Harrison, (Mr. Murrah), it seems, is pledged to go for a University, *provided its locality* shall be selected to suit him and his peculiar views. I understand his position to be this: that, coming from the East, as he does, he will pledge himself to vote for establishing a University, provided always that its location shall be fixed in the Eastern division of the State. His principal argument is, that the young gentlemen of the East

cannot, with a due regard to their health, come to this prairie country, where there is a scarcity of water, sudden transitions of climate, and with what he thinks will be a great additional expense of living in a region of country wanting in timber, and where the seasons are uncertain and irregular.

I understand this question to be one of unity, and not of dissension. And I undertake to say that my constituents are in favor of one University, to be located at some suitable point, without reference to the accomodation of any particular section; and it is a *violent* presumption against the gallant, liberal county of *Cherokee* that she would oppose a speedy, harmonious consummation of this enterprise, simply because two great section of our State happen to differ in natural features. And, too, similar objections to those mentioned by the gentleman from Harrison might be urged with equal plausibility on the part of the youth of Western Texas, if the University should be located in the East. They are not used to a timbered country, or to the sultry weather incidental to a timbered country—nor are they used to the water of the East, if indeed it differs from that of the West. And, I suppose, if the gentleman is right as to hazarding the health of the young men from the other side of the Trinity in coming to the West, that equal danger would follow the robust, healthy, athletic youth of the Rio Grande when he traveled to the East. And if this objection be sustained—obtaining alike in both sections of our State—its triumph will defeat a wholesome policy of the political authority of the country—in endowing and establishing a State University, which is commensurate with our means, and worthy the intelligence and patriotism of the people of Texas.

The *first* question to be considered is, shall the university be established? and when that is decided it will be time enough to discuss the other propositions. I would like to ask the gentleman from Harrison how the University can be located in the East or in the West until it is established, and has an existence? The novelty of this and its palpable absurdity, are equaled only by the futile arguments which preceded it. The gentlemen from Smith, (Mr. Chilton,) takes a different ground in opposition to the report. He says there is a growing spirit of dissension in the minds of the people of Texas, that will eventually, unless crushed out, lead to a division of the State; and for the purpose of extinguishing the fire, ere it shall burst into a flame and consume the country, he proposes to make two Universities. Sir, I cannot see the force of this argument. I can see very clearly, however, how a "house divided against itself will fall." What! unite the feelings of the Western people and those of the Eastern part of the State, by keeping your children isolated and divided; by teaching them an unhallowed spirit of rivalry, under the conflicting interests and feelings

of an Eastern and Western University? No, sir. Like the erection of an Eastern "Capitol," and a convention there of the Eastern members of the Legislature, on the 1st Monday of November just past, so the erection of two Universities will fan the spirit of division into a flame, which, when it ceases to burn, would leave only the smoking embers of all of us that once was great and good.

Such a calamity, Mr. Speaker, I would regret as much as any one. I should regret, deeply regret, to see any thing tending to its consummation cherished and encouraged. O'er the Eastern hills I have a rental cottage; there lives my mother, and there my sister live—it is my home. But however dear one single locality may be to me—the scene of my domestic joys or family sorrows—when I look far over the boundless prairie, to where the blue waves of the Rio Grande lave your Western borders, I feel, I know that Texas is my home. Texas is not divided, not severed by geographical lines, nor by towering walls, but Texas as she was in the dark hour of '36, when the banner of peace first waved in triumph above the ruins of the revolution, giving rest to her bleeding soldiers and freedom to all her people. Texas as she was in 1844, when, under the guidance of that great party of the National Constitution, she became a sister in the great family of the American Union. Texas as she is—undivided in sentiment and united in interest, from the Rio Grande on the West to the Sabine on the East—the Empire State of this great Republic. We are able to build but one—we are competent to build that. Let us have it and the benefits that will result from it. But sir, I cannot think we ought to undertake more than one.

House, November 24, 1857, pp. 26-29

Speech of Mr. Norton on the University

MR. NORTON said:—Mr. Speaker, what is the question before the House? What is the proper subject of discussion? I ask, as well for the information of others as myself—that we may each and all know what is the legitimate question for discussion. As I understand it, the subject matter has been lost sight of in the heat and verbosity of debate.

THE SPEAKER:—The question is upon the adoption of the resolution reported by the committee on Education, that we shall have one State University.

MR. NORTON:—And Sir, is not the question of postponing the entire consideration of this subject to some day in December, also before us? If I mistake not, the honorable gentleman from Cass (Mr. Ward) proposed the postponement to a future day.

THE SPEAKER:—The gentleman from Henderson is right, that is the question.



MR. NORTON:—Then, Mr. Speaker, with your permission, and that of the House, I will submit a few brief remarks upon the subject under discussion, and give reasons why, in my humble judgment, its further consideration should be postponed. And, Sir, I approach the grave subject with great diffidence, distrusting my ability to touch or dwell upon it at all, after the very large amount of learning and of eloquence that have been expended upon it by the able gentlemen who have preceded me. But, Sir, to one of my humble capacity of discernment, it appears that the very desultory and discursive arguments presented by the various speakers, afford conclusive evidence that there should be a postponement. While, Sir, much has been said, during this discussion, upon matters at large, but little, as I conceive, has been spoken upon the true subject in issue. High-sounding words and lofty declamation, poetical rhapsodies and courtly phrases of speech, we have had in abundance, it is true, Sir; but, I submit it to the candid judgment of gentlemen, if they have not been as applicable to any other subject as to this—as to whether the State shall engage in the plan of erecting one University or more than one.

The first speech (Mr. Dennis) made this morning upon the subject, was very chaste and beautiful, and while some of the others have gone so widely astray, and said so little upon this subject, and so much upon almost all others in the range of legislation, it appears evident to my mind, that upon this particular one, “much remains unsung,” and that a postponement would enable gentlemen who may design speaking, to collect their thoughts and concentrate their ideas—to form their own conclusions as to how they will vote, and to give those of us who, as yet, know not what to do, and the people of the State at large the reasons influencing them upon this, the most important subject yet presented to our consideration.

The real question presented by the report and resolution of the committee seems of late to have been lost sight of, in the desire to discuss the startling proposition of a division of the State, or the yet more terrifying question of the division of the Democratic party! Loud and clamorous professions of love for the State or party—grand and glorious expressions of affection and regard for the unity, superiority, supremacy and eternity of either, have little to do with the subject matter legitimately before us. Words suggest themselves in great abundance, in which the fluent speaker can clothe his ideas upon this subject, and giving a loose wing to his imagination, indulge in lofty flights of patriotic enthusiasm. And high-flown strains of such a character ever find a ready response in the heart of the citizen. Hence, the disposition to indulge in them to great excess may, at times, to a certain extent, be overlooked. But we should not, in great display upon a subject calculated to beget extravagance of thought, entirely forget the stern

reality. There should be, and in my opinion is, in the consideration of this subject, a call for practical thought, instead of theoretical extravagance. A measure involving the expenditure of such a vast amount of money, and so great an area of land—all the property of the people—should be divested of the glare, and glitter, and gorgeous display so lavishly thrown around it.

And here, Mr. Speaker, I may say I share in all the pride and feel the patriotic emotions so freely and so vauntingly expressed by the eloquent gentlemen. I, too, dwell with delight upon recollections of the past, and might recount with pleasure the glorious achievements of the gallant soldiery of Texas, in the dark, and stormy, and terrible days of her revolutionary struggle—the braves, who, by their gigantic prowess and lofty bearing upon many a sanguinary battle-field, bore their tattered and torn banner of desperation triumphantly through dismay, and disaster, and terror, to independence, and as the result of their sacrifices, their privations, their toils and their joint labors, made us the recipients of all that we have of land, money, territory and treasure, of greatness and of grandeur—illimitable and eternal!

SERGEANT-AT-ARMS:—Mr. Speaker, message from the Senate.

THE SPEAKER:—Invite the gentleman in.

The message is read.

MR. NORTON:—That interruption by the Senate's Messenger, Mr. Speaker, has been to me a most unfortunate one—and, perhaps, I should rather say, fortunate as well as unfortunate. Because, Mr. Speaker, when I was just warming with my subject, and getting, as is the custom with some speakers of a certain character of popularity, high up in the "seventh heaven of Mohammed," where I could, while my head rested among the stars, descant upon the greatness and glory of our magnificent country, I find myself suddenly brought down to this sublunary sphere—falling from a rare contemplation of the "milky baldrick of the skies," the heavenly blue of the back-ground, and the many stars and stripes upon the banner, to the Lone Star of the Empire State of the South. And that, too, Mr. Speaker, when the faithful Reporter is at his post, ready to give to the wings of the wind, and scatter among the people the high-wrought extravagance of my brain. While in this I may be unfortunate, however, in the estimation of those who esteem merit in speaking to consist in high-sounding expressions and vain laudations flattering to State pride or to sectional taste, may I not consider myself fortunate, as I will be in the estimation of plain, practical, common-sense men, in being brought to speak of the subject itself. This I had not designed doing at all; but finding it necessary to give expression to sentiments that I honestly entertain, opinions, too, which have not yet been proclaimed during this discussion, I come at once frankly and plainly to the subject.

It appears to be the settled determination of those favoring the resolution, to establish one "*mammoth State University*," and appropriate thereto the enormous sum of *four hundred thousand dollars*, and *four hundred and forty-two thousand and eight hundred acres of land*—to make an endowment that shall surpass any ever before known upon this continent—to rival, nay, excel, the famous universities of the Old World, and eclipse all that the ancient or modern world have ever witnessed!! For this grand and stupendous State system of consolidation and of centralization—for this building of a magnificent institution," whereat the sons (girls are uncared for) of the favored few may be educated, it is proposed to take the money and the lands of the whole people of the State, acquired by the joint efforts of the rich and the poor—cemented by the blood and gore of all—the joint estate of the entire people. To this species of class legislation—this system of favoriteism—I enter my protest in behalf of the people whom I represent—on behalf of the poor but honest people of the land.

While I agree with gentlemen who so eloquently advocate the claims of such an institution, that it would be a grand sight to behold, I am not willing that the money of the people should be taken to erect such an object of "special wonder!" Honorable gentlemen all around me, however, seem exceedingly anxious to pass some mammoth appropriation act—to devise some magnificent scheme to rid the State of its money. They remind me very much of the man who was entirely unused to having money, but happening, by a turn of Fortune's wheel, to have received a legacy, could not rest day or night till he spent it all. And I fear there are some who will die of regret and disappointment if they cannot succeed, this session, in extracting the last dollar in the Treasury vault! So hot seems the haste to pass this bill—so keen the pursuit of the scheme to rid the people of their money.

The very intelligent gentleman from Madison, (Mr. Kittrell), the chairman of the Education committee, in his zealous advocacy of this "mammoth" enterprise, recapitulates past legislation, gives us a statement of State finances, and attempts to silence all opposition by the declaration that this amount is not drawn from the pockets of the people, and therefore objections should not be raised here. In fact, from his declarations, he is very much surprised from opposition from any quarter! His position is a novel one, truly. The representatives of the people should not, according to his views, raise any objection to appropriating money from the treasury, because, forsooth, it is already there, and the people have no interest in, and no right to question the manner of its expenditure! Is this the position the advocates of this stupendous scheme for abstracting money and land from the commonwealth take? And will those whom the people have deputed to act for them thus

be silenced? For one, Sir, as an humble representative of the people, I hesitate not to raise my voice in opposition to this proposition for a wasteful and extravagant expenditure of their money and property. On the part of an humble, a plain, but hard working constituency, I enter my protest to such doctrine. And on their part I ask and demand that there shall be no appropriations of the money and the territory of the State, which will not inure to their and the people's benefit generally.

But, Sir, this is not the only anomalous proposition that has been set forth by the advocates of this State system. Doctrines the most startling—propositions of a monstrous character have fallen from the lips of honorable gentlemen during this discussion. We have been told that we must encourage a privileged class in this State—that the children of the rich must be educated, and those of the poor given the go-by. I denounce all such propositions, as anti-republican, anti-Democratic, and unworthy of being entertained by any representative of the people—

MR. CHILTON:—I cheerfully acquit the gentleman from Henderson of democratic principles, or of having any sympathies with the democracy!

MR. NORTON:—I am very thankful, Mr. Speaker, to the gallant gentleman from Smith for his kind and forgiving disposition. Indeed, Sir, I have no feeling in common with the gentleman as expressed upon this floor; and, Sir, that is the last quarter from which I would have anticipated this interruption. God forbid that I should harbor in my bosom such sentiments as he has set forth in regard to the education of the people! He talks flippantly of democratic principles, and what he calls "chameleon democracy" while he, Mr. Speaker, is the fittest and best representative, the most perfect embodiment of a "chameleon democrat" that I know, on God's green earth!

I repeat, Sir, that it is undemocratic to educate the few at the expense of the many. I repeat, Sir, that the money of the people should not be so appropriated that all cannot be benefited. And, Sir, I regard the declaration of the gentleman from Smith, that "if either the high schools and colleges, or the common schools had to be given up, he would freely wipe the common schools out of existence," as monstrous.

It is true I have no sympathy with such Democracy.

THE COMMON SCHOOLS ARE THE PEOPLE'S COLLEGES. And, Sir, my Democracy, whether palpable or not, would favor the entire appropriation of the fund contemplated for the University, to the common schools of the State. I advocate the greatest good to the greatest number—the appropriation of money directly to the education of the children of the people, instead of expending hundreds of



thousands of dollars in the erection of costly and magnificent buildings alone—"Temples of Futurity," the gentleman from Smith calls them—"Temples of Futurity," indeed; that in the far distant future, could we but lift the veil, we may see the children of my constituents represented by other gentlemen upon this floor—the children of the poor people of the State of Texas—gathering around the massive structure, and upon their bended knees, looking up in wonder, amazement and astonishment at the fluted columns and "lofty domes and towering spires" of the proud "temple of futurity," erected in fatuity by the Legislature of the State, out of the money and the substance of the whole people, for the benefit of the few rich and well-born!

The wildest views seem to prevail in the minds of some of the honorable gentlemen as to what should be the course of study in this great university. It has even been proposed, that in addition to the usual branches taught in our literary institutions, there should be provision made for magnificent Law, Medical and other departments! To such propositions I dissent, *in toto*. Let those who may wish to receive what is called the genteel polish of a "finished professional education," not call upon the people in the humble walks of life, upon whom they may in future show their professional skill, in fleecing or physicing, to pay for educating them. Let us have no Doctors or Lawyers manufactured by a State institution; and I say it with all becoming respect to gentlemen of the learned professions, God knows we have enough of them in the country, with a rising prospect of "more of the same sort!" Were it proposed to establish an Agricultural Bureau, a measure which my friend from Galveston (Mr. Brown) has much at heart, it would not be so much out of place, inasmuch as whatever tends to promote the success of those engaged in the culture of the soil adds to the general prosperity of the State. But there is no such thing thought of by those having the management of this great University; it is to benefit those who *eat bread, and not those who make it*.

I hold in my hand the Governor's message to this honorable body, in which he says, "The number of scholars in the common schools, reported for 1857, was about 87,000, and the amount distributed from the income of the fund was \$106,000, being about one dollar and twenty-one cents for each scholar."

How many of this 87,000 of the common school children of the State would be benefitted by the establishment of this great University?

By this time next year, there will be 100,000 children attending the common schools—and as each year passes by, there will be more and more—the increase never stops. And it so happens, in the wise providence of God, to whom he grants not riches he grants

children in abundance—and for the education of the hundreds of thousands of poor children of our rapidly increasing State, I plead now to you, and before long they will themselves demand their rights. This grand University will confer benefits upon the children of the rich—upon the few only.

I am no enemy to education, collegiate, literary or classical; on the contrary, I am glad to see the young striving to obtain it. But, Sir, the common school system, perfected as it might and will be in time will give proper direction to the minds of the rising people of our great and growing State, many of whom will afterwards avail themselves of opportunities offered by schools of higher order and colleges in their midst. We have already colleges and institutions of learning of a high grade incorporated in the State, and to all such I would be willing to offer encouragement. Willingly would I aid in the establishing and endowing of colleges in various parts of the country. And, Sir, by this means we would be placing a liberal education more nearly within the reach of all the children of the State.

Much has been said, during this extended discussion, about the location of the University—whether it should be East or West, at Austin or elsewhere. By the plan I suggest, the “bone of contention” would be removed. The people would foster, and encourage, and patronize their own home institutions. Those who desire to avail themselves of a college course, would find it to their interest to attend the institutions in their own neighborhood, and this they could do without being compelled to expend all their substance and much of their time in traveling hundreds of miles to a State University, which, to locate it where you will, in a State seven times the size of the largest in the Union, would give them generally a distance equivalent to journeying across Louisiana, Mississippi and Alabama! In point of fact, locate it as you will, the expense of going to, and of remaining during sessions, would place it out of the power of the generality of the people of the State to attend it, and, for one, I am not disposed to appropriate such a vast sum for the benefit of the sons of the wealthy cotton and sugar planters, and where the boys of the humble stock-raiser, the small farmer, and the man of moderate means, could not be benefited at all.

Now, Sir, I have already said more upon this subject than I had designed doing, as I simply intended submitting a few remarks upon the propriety of postponing the consideration to a future day; but having, by frequent interruptions, been thrown off my guard, and led to remarks I would not otherwise have submitted at this late period, and after such prolonged debate, I will briefly direct the attention of gentlemen to another point, and one not hitherto

alluded to in the discussion and that is, Mr. Speaker, that exclusive State Universities, in this country, have not been able to compete with, or in other words, been as productive of good results, as colleges established and sustained by individual effort, by private association, or denominational or sectarian enterprize. Gentlemen favoring the project, during their remarks, have pointed, with peculiar pride and exultation, to the University of Virginia, as the model institution, and one of the great literary institutions of the day, which should serve as a pattern for our imitation. This, it is claimed, should be in several respects the pattern one; especially has it been mentioned as the object to be established free of all sectarian influence. To this, it may be, and has, on the other hand been replied, that even this institution, in its day, failed to meet the expectation of its great founder, Mr. Jefferson. Was it not, let me ask, in part, the design to exclude from its professorships all ministers of the gospel! And is it not the fact, that they have been compelled to abandon this, the favorite measure of many of the advocates of this plan? In the various chairs will be found Rev. D. McGuffey, of the Old School Presybterian faith, and Rev. Albert Bledsoe, of the Episcopal church, and others!

They forget to tell us, too how small has been the number of F. F. V.'s in attendance! And they also seem unmindful of the fact that the sons of the "Old Dominion" have, from time immemorial, been receiving instruction from the time-honored institutions of William and Mary, Hampden and Sidney, Washington College at Lexington, and more recently from Randolph, Macon, Pomroy and Henry, and their younger sister Bethany. And these various colleges, founded and fostered by pious and good men, have contributed more to the diffusion of knowledge than the peculiar favorite at Charlottesville. They seem entirely unmindful of the fact that the first and foremost institutions of America are the result of private associate enterprise, and of sectarian effort. Let me point you to Bowdoin and Waterville colleges, Maine; Brown University, Rhode Island; Yale and Trinity, Connecticut; Harvard and Williams, Massachusetts; Middlebury, Vermont; Princeton and Burlington, New Jersey; Pennsylvania, with her Washington, Jefferson, Alleghany and Dickinson *et als.*; New York, with her Hamilton, Geneva, Union, Columbia, and others; Ohio, with her Kenyon, Miami, Hudson, Wesleyan, *et als.*; Kentucky, with her colleges at Danville, Bardstown, etc.—and so I might proceed enumerating the various colleges and universities of like character in the land, which have been founded as aforesaid, and challenge the scrutiny and investigation of the honorable gentlemen advocating this proposition for one grand State University, to show me, in all the States which I have enumerated—in fact in any and all of the States in

the Union, where like efforts have been made, the instances where the special pet, favorite and bantling of the State, with all its superior advantages, has turned out better scholars, or more of them, to reflect credit on their *alma mater*, and the State at large.

I hold it to be an utter impossibility to legislate great learning and abilities into heads to which God Almighty hath given little or no brains. Men make themselves, to a considerable extent, and those of the children of our State who, by dint of a common school education, and attrition with their fellow scholars, acquire the elementary branches, will soon surpass the more favored, by means of higher schools and colleges already in existence in the State. Our statute books are full of acts incorporating institutions of learning in various parts of the State, and many of these the result of private enterprise and munificence, have acquired, at this early day in the State's history, an exalted position. Will the State now adopt a course of policy to break down or maim and cripple these institutions? It will either practically do this, or it will manufacture, at great expense, a great humbug! If the State University should be established, with an appropriation of one hundred leagues of land and four hundred thousand dollars, it must so completely over-tower all other institutions as measurably to withdraw public patronage from them, or it must be inferior to them, and fail of having that full attendance of pupils, which will cause it to be regarded as a complete failure.

Which course shall be pursued by you, gentlemen, that of fostering and encouraging those institutions which we already have, and inducing the organization of others in different parts of our great State, to meet the necessities of the people as they may manifest themselves, or that of concentrating, consolidating, appropriating a vast amonut of the money of the people to benefit a select few only?

Allusions have been made by several of the gentlemen who have preceded me, to the gray-haired and venerable President of Austin College, who is now here, soliciting at our hands aid for an institution already located and at work disseminating sound learning in the country. Shall his petition be heeded, or will we turn a deaf ear to the respectful request therefor. We have already in our State, in my humble opinion, the germs that may produce fruit glorious to look upon, if blessed with *seasonable* relief. Surely those who laud so highly the brave and magnanimous deeds of the pioneers of Texan civilization and liberty, will not be unmindful of the exalted service of Stephen F. Austin, the founder of the infant colony, the father of its distinctive political existence! To all who thirst and long for an opportunity to show their high regard for literary institutions, I commend Austin College, at Huntsville, and also can point to many other worthy objects in successful



operation, such as Baylor University, at Independence; Tyler University, in Smith county; Forshey's Monumental Institute, at Ruttersville; Marshall University, Aranama College, I believe the Institution in the district in the far South West, represented here by one of the brave survivors of Fannin's Massacre, Dr. Bernard, of Goliad; Bastrop College, Mackenzie Institute, and others of like character, called into being by citizens of the State impelled by a laudable desire for the increase of knowledge and the dissemination of literature, religion and sound morality throughout the land.

Believing that upon the education of the people will depend the perpetuity of our government, and looking entirely to the general diffusion of knowledge for the permanency and prosperity of our Institutions, I will be found ever ready to aid in such legislation as will serve to promote this; and whatever will elevate the standard of common school education or promote the success of colleges and academies already, or that may be hereafter incorporated, in my humble opinion, should receive encouragement at our hands.

Having trespassed upon the patience of the members far beyond my expectation upon taking the floor, I can but hope that the motion to postpone may prevail, and that upon further discussion of this very important subject, we may be enabled to adopt that course of policy which will redound the most to the credit of the State and the benefit of the people.

The question was put and the motion carried to postpone further consideration.

**House, November 28, 1857; pp. 42-44**

The reports in relation to a State University being before the House,

MR. DENNIS said:—Mr. Speaker, having occupied but little of the time of this House in the discussion of any question that has heretofore been before it, I shall offer no apology for asking the indulgence of the members for a few moments.

With the gentlemen who have preceded me, I fully agree, that, of the many questions of importance that will present themselves for the consideration of this Legislature, there are none of more vital interest to the welfare and greatness of our people, and the prosperity of our young yet proud and noble State, than the one now under consideration.

That the greatness of a State or Nation, its influence and standing among its sister states, or the civilized nations of the world, depends upon— is supported and sustained by—is inseparably connected with the education and intelligence of the people, and that education alone can qualify the man, however gifted he may be by nature, or however towering his intellect, to take that high and

responsible position among the sons of men for which nature has designed him, are facts so universally admitted that it would be an act of supererogation on my part to attempt to discuss them.

That we need, then, a University of learning, established by the State, with ample endowments to afford the youths of our State, on the soil of their nativity or adoption, and under the watchful care of their parents or guardians, an opportunity of acquiring as complete an education as is afforded by any other State in the Union, surely none will deny. Argument to prove it is therefore unnecessary.

Admitting the necessity of a State University, the questions that present themselves for our consideration are— Have we a population to support a University? Have we the ability to establish and endow one? Shall we have one or two Universities? and shall we make provision *now* for it or them?

Sir, if we contemplate for a moment the rapid increase of our population since our earliest settlement, under every adverse circumstance, we cannot doubt for a moment that we should act at once. The winds of only thirty-seven winters have brought their frosts upon their wings since Austin with his little band of followers, first stepped upon the shore of Texas, then the home of the uncultivated Mexican and the more fierce and warlike savage. Only twenty-one years have passed away since "the muffled drum ceased to sound the last march of the brave," and the sound of musketry and the crash of arms gave place to the merry song of the farmer's boy as he follows his plow or watches his grazing herd; and only eighteen springs have spread their carpets of green, bedecked with flowers of beauty, since upon the very spot where now stands this spacious building which we occupy—an emblem of civilization—grazed, in security, the buffalo, or perchance it was the spot where the savage chief called his council of war. Yet already have we attained a population of more than 600,000 souls—while our genial clime, and the productions of our liberal soil, invite the attention of thousands from the older states, where the soil, worn and wearied of years, refuses to repay the laborer for his toil. While our lands are unsurpassed in fertility, they are almost inexhaustible in quantity. With a climate to suit the fancy of all—a territory of 175,594,560 acres of land that freely yields her cane, her cotton, her corn, her wheat, and grain of almost every description, while millions of cattle may feed upon our inexhaustible pasturage, we are not only prepared to have, but, judging the future from the past, will soon have a population that will demand and support a University that will send forth the sons of her soil fit ornaments for usefulness in society, in numbers not to be surpassed by any institution of learning in the South.

Have we ability to establish and endow one? The Legislature heretofore set apart fifty leagues, or 221,400 acres of land for University purposes. These lands have been located, as we are advised, in a fertile region of the State, and the proceeds of the sales, by prudent management, would of itself be an endowment sufficient to enable us to command the services of able professors in every department of learning; but with a public domain of 102,158,350 acres of land, we can well afford to set apart an additional fifty leagues, which will certainly be a sufficient endowment under any possible circumstances. With \$700,000 in the Treasury, and a revenue of \$255,000, and the State free from debt, we may safely appropriate from two to four hundred thousand dollars for the purpose of erecting the necessary buildings that will stand as just monuments of state pride, and be of incalculable benefit to thousands yet unborn.

As to whether we shall have one or two Universities, there seems to be some diversity of opinion. Some are in favor of two—one to be located in the East, and the other in the Western portion of the State; while others, and I trust a large majority, are in favor of having but one, and that that one may be of such a character as to reflect credit and honor upon the State, and one of which every citizen of the State may feel justly proud. Sir, while it is but natural that we should like to see our own section prosper, and that it should be assisted as much as possible by legislative aid, it is nevertheless to be hoped that sectional feeling will not be permitted to enter into a matter of such magnitude and interest to every citizen of the State—that we will consider the matter maturely, and with reference to the interests of the whole State—and that our convictions of right to the State at large, will be our rule of action, regardless of local interests, lest by an attempt to accomplish too much, we defeat the very object we desire to attain.

Were it a mere matter of dollars and cents, then, indeed, sir, would the question be shorn of much of its interest. It is nevertheless true, that economy should be regarded, when other circumstances combine to make it the better legislation. That we can better lavish upon one University every possible facility of learning, than poorly endow two, that will be of but little benefit to the people, and less honor to the State, none can well deny. Then if we combine economy with usefulness, we will certainly have but one, and let that be of a character that none may have cause to blush for shame. But, sir, there is something to be considered in this matter of deeper interest than dollars and cents.

Sir, I must confess my surprise at the position assumed by the gentleman from Smith, while advocating the establishment of two

Universities—one for the East and one for the West. Sir, his argument is certainly fallacious in the extreme, and is not supported by experience. He urges as a reason why we should establish two Universities, that it will tend to allay the feeling that is manifested in many portions of the State for a division of the State. Now, sir, let us see if this reasoning be correct. Establish two Universities, and we at once establish sectional interests—sectional interests will beget sectional feeling, which will lead to sectional prejudices, and sectional prejudices will enter the halls of Legislation, and eventually will fan the spark into a flame that will sever the cords that bind us as a State. Am I right or am I wrong?

How different, sir, will it be if we establish but one University. I care not whether that one be located upon the Eastern boundary line of the State, or whether it will be washed by the waters of the Rio Grande, young men will go to it from every portion of the State. State pride will prompt them to gather from every portion of our broad domain to their own University. Chains of friendship and affection will there be formed between them, that the strong hand of time itself can never sever. Sir, it will form a cord that will bind us stronger together than was ever Prometheus chained to the rock. Then, sir, if you wish to preserve the union of the State, and desire that she should occupy that influential position in the Representative Hall of the Congress of the United States, which, if united, she is destined ere long to occupy, tell me not that we want two Universities. Give me one—locate it where you please—but give me but one.

Sir, having the honor to represent a portion of *Western Texas*, I cannot refrain from noticing for a moment the arguments of the gentleman from Harrison (Mr. Murrah), while discussing the question now under consideration. With all the ingenuity of the far seeing lawyer that he is, and accustomed, doubtless, to forestalling the opinion of jurors, when he has the opening speech on his opponent, he has endeavored to do the same with the members of this House. His argument, sir, from the beginning to the end of it, was, not in favor of *two* Universities nor against the establishment of *one*, but to show that *Western Texas* would not do for the location of that University. Now, sir, I regret that the question of locality has been permitted to enter into this discussion, when I do not conceive that it is properly before us, under the report of the Committee on Education—the questions there presented being, whether we shall have a university at all, and if so, whether we shall have one or two—the question of locality being left open until these preliminary questions shall be determined; and I promise I will occupy but a few moments in noticing the question thus presented.



The gentleman says we have an immense territory, with a great difference of climate between the Eastern and Western portions of the State—probably a greater difference than there is between the States of Alabama, Mississippi and Louisiana. Admit all this. He says that the difference of climate is so great, that if the University should be located in the Western portion of the State, parents in the East would send their sons to Virginia, and other institutions at a distance, rather than to our own University. Now, sir, I submit, whether the difference of climate is greater between Eastern and Western Texas, than between Eastern Texas and Virginia, New Jersey, Massachusetts and other Northern States where we know parents do send their sons, not only from Texas, but from all the Southern States. None, sir, surely will contend for it. Then this objection of the gentleman must fall to the ground. For if Southern students can stand the cold climate of the North without injury, they can certainly stand any difference of climate there may be between Eastern and Western Texas without any injury whatever.

The gentleman says there is a great scarcity of wood in Western Texas, which would render it necessary to use stoves instead of fire places, which would be very objectionable to persons coming from a timbered region. Now, sir, in reply to this I have only to say, that here or any other place in Western Texas, where there would be a probability of locating the University, we have timber enough to last for fire wood during the life of our great-grandchildren's children, and that is far enough ahead for us to legislate for fire wood—by that time we will have railroads to bring it here. The gentleman urges as another objection, that we are subject to droughts here in the West, which causes poor crops, a scarcity of provisions, and consequently high prices for board. Now, sir, I venture the assertion, that we can get every article of food just as cheap in Western as Eastern Texas, except it be corn or meal, and I presume we can make up more than that difference in the hire of servants—for if they are to make good crops all the while in Eastern Texas, and we poor ones, we having but little for our servants to do, can certainly hire them cheaper than where they have constant and profitable employment for them. Then this objection of the gentleman must fail. Besides, sir, it is not to be presumed that the hand of misfortune will always be placed upon us. We have made good crops in Western Texas, and there is no good reason why we should not make them again. He objects to our water. Good cisterns, sir, can remove that objection. We can and do use cistern water, than which there is none better, nor more healthy in Eastern Texas or elsewhere.

Notwithstanding the gentleman would have us believe that the West would be so unhealthy and unsafe for students from the East, I do not think that he can deny, that in the low lands and timbered regions of Eastern Texas they have more deaths, and two cases of chills and fever to where we have one in the West.

(Mr. MURRAH said: Will the gentlemen allow me to correct him. I did not say that Western Texas was an unhealthy region, but that the great difference in climate, the sudden changes of the weather, and difference in the water, would be a serious objection on the part of parents to sending their children here.)

Then, Mr. Speaker, I am glad the gentleman has corrected me, but, sir, if he did not intend to have us understand that Western Texas was unhealthy, why, I ask, were all his arguments about the great difference in the climate, the sudden changes of the weather, and the great risk to the health of young men who might come here from the East? It has been well said, "that experience is the mother of wisdom;" and, sir, we know from the experience of years, that Western Texas is healthy. I have been credibly informed that of twelve or thirteen hundred students who have attended Rutgersville College, there has been but one death. Now, sir, I challenge the gentleman to point to a single institution of learning in the East where as much can be said of it. But, sir, believing as I do, that the question of locality is not now properly before us, I will not attempt to present the claims of Western Texas, and have noticed briefly some of the objections urged by the gentleman from Harrison, only in justice to our section of the State.

Sir, this question has been postponed from year to year, and no definite action had upon it. Many reasons might be offered why we should no longer defer it.

Gratitude, sir, to our benefactors, is a debt that will be admitted by all, and could we properly appreciate the benefits conferred, none would refuse, as far as possible, to pay it. But, as has been well remarked, "what causes such a miscalculation in the amount of gratitude which men expect for the favors which they have done, is, that the pride of the giver and that of the receiver can never agree as to the value of the benefit." We trust, however, that there can be no diversity of opinion as to the benefits conferred by the Pioneers of Texas, who abandoned the homes of their childhood and the friends of their youth, for a habitation here, where there was no kind hand to greet them, and no friendly smile to cheer them to endure the hardships that awaited them. Aided by their unerring rifle, their companion by day and by night, they have subdued the savage foe—"have caused the wilderness to blossom as the rose"—and have acquired a territory that will contain the homes of millions of the contented and free. 'Tis

true that many of them fell upon the field of battle, in defense of their homes, and now "sleep their last sleep" in the bosom of the land that they loved. Many have been cut down from the stage of action by the scythe of time—and "the blossoming heads" of the few who still linger amongst us, tell us that their stay with us will be short—yet it will be gratifying to them to know that the State, for the welfare of which they have devoted the prime of their lives, has the means within herself by which their children and their children's children may be educated and prepared to discharge with honor, the responsibilities that will devolve upon them when they shall have passed from the stage of action. That they may see the fruits of their labors let us act at once. Let us bury sectional prejudices under the altar of state pride. Let us establish a University that may ever stand as a monument of greatness. Let us place our State in that position among her sister States of the Union, that destiny has decreed she should occupy—that she may stand preeminently proud even among the proudest of the proud.

House, November 28, 1857; pp. 83-85

#### University

On the proposition to establish *one* State University. After the remark of Messrs. DENNIS and HICKS,

MR. PRICE said:—I had not designed to occupy the attention of the Legislature with any additional arguments upon this subject. And I do not know that I would now detain the House for a moment, were it not for the fact that views have been expressed, ideas have been advanced, positions have been taken, which to my mind at least are novel, are singular, and, as I humbly conceive, not in accordance with the feeling of the masses in reference to the great subject of educational interests. The honorable gentleman from Jasper who has just taken his seat, (Mr. Hicks,) has expressed some notions in regard to State institutions which I confess I had supposed were obsolete. I had supposed such positions had long since been abandoned, given up and forgotten.

Why, sir, the picture he has drawn is not only *graphic* but startling on account of its very hideousness, so much so as to strike the mind of every member at the very first blush as being the production, I will not say of imagination, but the unfounded forebodings of one who at least has not gone fully, calmly and dispassionately into all the ground embraced in the discussion. I am not a physician, sir, but if I were called upon in that capacity to give a diagnosis of the symptoms of his case, I should be compelled to say that that gentleman had but recently recovered from a severe attack of the night-mare.

Why, sir, is it possible in regard to this great subject of education, a subject so completely identified with the very life-blood of the State, a subject which runs through and permeates every vein and muscle of this body politic of ours, that we cannot approach it without danger of being charged with a reckless disregard of the public interests as regards the land and money of the State; inaugurators of a policy eminently calculated, and tending directly and inevitably to a disruption of the bonds of union, as between *East* and *West*, or without laying ourselves liable to be charged with being sectional in feeling? I think not, sir, I think all such direful apprehensions are chimerical—creatures of a distempered imagination. But come to the main question. I desire to look at this thing in a practical light and to get at the main question; to evolve and discuss it, and let matters subsequent in point of time and inferior in importance be deferred until the proper period for taking action in regard to them.

The first question is—will we have a State University? To that proposition almost every mind, without waiting for argument, without waiting for discussion, without any reconsideration whatever would say *yes*. And why? For the simple reason that it has been deemed through the history of this union, and conceded by the experience of all civilized nations, that intelligence, morality, and a high order of education among the masses are the broad and deep and indestructible foundation stones upon which rest the energy, the character, and the position of a State and of a nation. Not upon her geographical limits; not upon the amount of her population, so much as upon the moral and intellectual elevation of that population. Whatever you can bring of energy, of liberality, of self-abnegation and of pure and exalted patriotism to the accomplishments of these ends, will be legitimate and productive of incalculable good, present and future. The matter then to be desired, the object to which we should bend our energies, is that Texas may occupy with respect to other States her legitimate and proper position in matters of education. Some of the older states have already set her an example worthy of emulation.

I have said that a high order of intelligence and a high standard of morality diffused throughout the great masses, constitute the great levers by which a State is elevated in the eyes of the world, and by which she can be armed and equipped, and with a self-relying consciousness of her own prowess participate in the grand intellectual and moral combat going on in the civilized world. How has it been with other States—with Virginia, South Carolina and Missouri? Has the struggle been with them a mere matter of dollars and cents? A miserly and parsimonious effort to educate with as little expense as possible? No! The idea has been, education, general intelligence, and morality, are cheap at any outlay



of dollars and cents. Then in order to place Texas on the footing she is entitled to and give her a proper status in the Union, we must place within the reach of her sons all the means of education she is able to command, and let her ascend by regular gradation until she occupies the position she is entitled to occupy, and which she has the means at all times to command. Let her inaugurate no narrow, no parsimonious or niggardly policy in matters of education.

Another argument in favor of a State University is this: You cannot have a first class institution of learning, one that is commensurate with the wants and wishes of the people, unless it is established by State aid and kept under State control, for the simple reason that you cannot concentrate a sufficient amount of wealth, of unity of action or of interest unless it be by State aid.

In building up institutions of learning, we are all aware of the fact, that there is no unanimity, no concentration of effort outside of each particular sect or denomination. And no one of these denominations has the capacity or means of building up a first rate institution of learning. In order to accomplish this end, to fill this great educational desideratum which now exists, a University of the first order should be built by the State, and it should emphatically be a *first class* one, and should occupy ground as high, and a position as commanding, an influence as extensive, as any in the older states. Our *means* are more ample than theirs; and our *wants* equally as great. It is obvious to every man who has looked at this subject for a moment, and who has gained wisdom by reference to the efforts of older States in this behalf, that in giving to an institution of this kind its proper usefulness, the highest possible good should be aimed at; liberality of feeling, sentiment and endowment should characterize every effort made in the accomplishment of this end, leaving out of sight entirely the question of *locality*, for I do not believe that question should be discussed at present.—First say, we will have but *one*—then endow it with large liberality—then fix the detail of its management, and then, and not till then, talk of the location.

The State possesses the only means of affording a legitimate and intelligent and effective board of trustees, and one that can command the respect of the whole people. What I mean is, that the Governor, Lieutenant-Governor, Supreme Bench, Attorney General, Treasurer, and Commissioner of the General Land Office, with others to be suggested by time and circumstances, might be formed into a board of trustees, in whose hands might be entrusted, with the utmost confidence, every interest of the institution, and who from their relative positions in State affairs, could co-operate, and doubtless would, to place the institution on high ground, with the largest and surest capacity for certain and extensive usefulness.

Admitting this proposition to be true, the next question is, shall there be one University or two? The friends of the proposition for two institutions have rested their whole argument upon the ground of convenience alone. Well, sir, an argument of that kind, when viewed in connection with the importance of the subject, is not certainly worthy of serious consideration. The intention, the purpose, the proposed character, the anticipated influence of an institution of this kind, when viewed in connection with an objection of this kind, stand out boldly and above the mere matter of convenience to any section or any neighborhood. We propose to elevate the State in an educational point of view. We propose something that shall exert its influence throughout the limits of the State; that shall extend its blessings and benign influences to every family upon Texas soil.

It has been stated here that there are causes in operation tending to a disruption of the bonds which keep us together as one and an entire State, which will ultimately rend them asunder, and make two or more States out of what is now the State of Texas. I confess it affords me no pleasure to look at the picture, drawn in colors so dark and forbidding. And the very arguments assigned by gentlemen for the creation of two institutions of learning, are the main spring, the most powerful and efficient causes which are conducting and will ever conduce to consummate this very design. Why, sir, if there is to be a rivalry instituted and maintained by the different section of this State as between East and West, this view of the case will be realized, and we shall find the East and West with distinct interests, distinct aims, with jealousies and with alienations of feelings, ingrained, cultivated and encouraged, until every bond of union and tie of friendship is torn asunder. How are we to avoid this? Not by establishing rival Universities. We would avoid it, however, by establishing but one, which would be resorted to from every portion of the State. It would be the means of producing friendships and affinities and regards, that would run throughout all the different circles of society and relations of life, and cement and bind together the State of Texas, perhaps more certainly and permanently than any other cause that could be brought to bear in the accomplishment of this great and inestimable purpose.

This is known and has been seen and felt by men of the South everywhere. And in consequence we have the plan now agitated in the South of endowing one great central Southern University, forming a nucleus around which the sons of the South may gather and form their friendships, being the most certain means of uniting and cementing the South. This, sir, would be a rallying point; a high classic ground; a place where the young men of the South, from every State of the South, may go up and furnish their alliances

and associations, and by so doing be better enabled to maintain the integrity of the South. Are not the cases analogous? Perfectly so. Every son of Texas soil, educated at such an institution as we propose, would leave its consecrated walls with the proud and ennobling feeling that I am a TEXIAN and *not* an *Eastern* or a *Western* man. Those geographical lines would soon be forgotten.—But establish *two* and the reverse of this proposition will inevitably follow, and the brightest gem upon the fair brow of our young and growing State, will be plucked away and cast in the dust. Her beauty, her glory will have departed. Then if we would break down and eradicate any disposition of this kind to separate the East from the West, the best and most effectual means would be building up one great Central State University. As to its location, let that be a matter for future consideration. But be that as it may, East or West, it does seem to me that there is ample reason for creating a State University, and for creating but one. And the very simple fact that two would involve an outlay, if you place them on high ground, of a vast amount of money, demanding a large expenditure, without increasing in the same proportion, the benefits to be derived from it is, to say the least of it, in a financial point of view, a strong reason for creating but one.

But it has been said that this institution will not be resorted to by sons of the poor men of the country; that its advantages will be restricted to the favored few who have the means of attaining an education at any and every cost. Such I do not consider the fact. It will not be so if this University is established upon the principles which I am satisfied the lights around us will enable us to adopt. Endow it with sufficient liberality to throw wide its portals—with tuition gratis for every Texan, rich or poor. Adopt this plan and we will place its advantages within the reach of almost every man within the entire country, without distinction.

I would not vote for an institution to be based upon the old plan of college graduation. But I would have as it were a system of Colleges, upon the German plan of a University, with no expense attachments to the College of any kind, leaving it optional with the student to select his own course of study, and determine for himself the time he should remain there. I would have him graduate in any branches he might see proper, and board how and where he may choose. A University established in this way would afford the facilities desired now, and would place education within the reach of nearly every man in the country. Then it does seem to me that the objection that it would not be accessible to the masses is an objection existing more in the imagination of gentlemen than in reality.

If on this great and important question it is decided, that we will have a University and but one, if the details cannot be made

subservient to the interests of the masses, it will be time enough then to interpose the objections which have been urged.

Thus, Mr. Speaker, I have briefly given you the skeleton or outline of what I conceive should be the prominent features of this great enterprise, with a few, and but few of the many cogent reasons that might be urged in its behalf. I trust, sir, there will be but little division of sentiment when we come to vote on this matter—a matter, the magnitude and importance of which can scarcely be realized, unless with prophetic ken we could look far into the dim and shadowing vista of coming years, and behold the gigantic achievements of the arts and sciences. I trust, sir, that gentlemen upon this floor will for the time forget the geographical sections which they represent, and will march square up to this work, with a proud consciousness that is worthy our best energies and noblest sacrifices.

MR. BROWN:—I have taken no part in this discussion hitherto, and shall not now detain the House for more than five minutes.

This is a simple resolution expressing the sense of this House that we will endow but one University in contra-distinction to two. What I wish to call the attention of members to is the fact that most of the discussion here is based upon the idea that if it is decided that one University shall be created, it is proposed to grant four hundred thousand dollars in money and a hundred leagues of land for the purpose of carrying out that object. Now, sir, I am in favor of one University. Many of the gentlemen who have spoken on the subject have sufficiently explained their reasons to impress my mind in favor of one. But I am opposed to establishing a University with so large an appropriation either in money or land. I am opposed to appropriating more than two hundred or two hundred and fifty thousand dollars at most in money, and I do not care whether you appropriate any land or not. We have already set apart fifty leagues for this purpose.

I take this view, that the amount I have mentioned will be enough to provide the necessary buildings and every thing the institution may require at this time. And I think something should be left to future legislators to act upon. I do not think all the wisdom of Texas is in this hall, and am willing to leave our successors the means of profiting by experience.

Suppose that after a while public opinion should change against this measure. Suppose our expectations in relation to it should fall. Is there any sound reason on earth why we should appropriate more than is necessary to establish and put the University in operation? If the institution succeeds, as we hope it may, then the State will stand by it and make needful appropriations from time to time. But let us leave it for future Legislatures to determine whether it proves to be an institution worthy of State



patronage or not, and leave something for them to appropriate if it shall become necessary.

As to the location of this institution, I don't care three groats where it is located. If it were left to me, I could name the bounds within which I think it should be situated, for I have lived all over the State, and am as free from sectional feeling as any man on earth. It should be located with a view to meet the demands of our population, when this State becomes filled up with millions upon millions of inhabitants. I would prefer to place it at some suitable point between the Brazos and the Trinity, and between latitudes thirty and thirty-three.—For there it will be most convenient to the population which is to come after us, and especially if our system of railroads is developed and carried into full practical operation, it will there be most accessible from all parts of the State.

I now desire to make a few remarks in reply to the gentleman from Jasper (Mr. Hicks) on the sectional question. I came to Texas when quite a youth, and was present at the first session of Congress which was held in this city, eighteen years ago. I have spent a number of years on the Western frontier, and being thrown into association in the volunteer service with men from all parts of the country, I had as good opportunities as any young man to judge of the spirit of sectional feeling which formerly prevailed among us. For the last twenty years this feeling has been constantly growing less and less. And I say it is less to-day by one hundred per cent than it was ten or twenty years ago. At that time there was an actual feeling of hostility.—This feeling was in me, Mr. Speaker. We felt that the West had the brunt of the battle to encounter; that the East was not molested by an invading enemy; and that while she had the voting population, the West had the burthens to bear. This sectional feeling was fostered, as I believe, by Sam Houston, then the great gun of the country. I never voted for him; I never would. And I believe as Sam Houston's influence has declined, this sectional antipathy between the East and the West has grown less and less.

The intelligence and liberality of the people should always frown down this contracted feeling—this unpatriotic feeling.—We all meet together biennially as the representatives of one people—yes, we do so now! There is no such thing as sectional feeling; it is obsolete; it is a by gone idea. Let it never revive. What is the East? A portion of our beloved, and in fact a small portion—I mean the *old East*. We have had a new empire grow up here to the North in our glorious State. And if there is any distinction to grow up, it will be between the Northern and the Southern portion of the State. But that may never be. Sir, I regard this idea of a diversity of soil and climate leading to a division of the State as wholly unfounded. On the contrary, I draw from this diversity the strongest

argument for union, based on domestic exchange and domestic trade—mutual exchange. When railroads are completed from the North to the South, Red River and Galveston will be neighbors. These very things will bind us together, so far as they operate. The great size of the State, however, and that alone in view of Southern strength in Congress, I am free to admit, may induce an ultimate division into three states; but there is much and will continue to be much to bind this people together for all time to come.

If Texas shall ever be divided, in my humble judgment, it will be for the purpose of giving us more strength in the Congress of the United States, and not for the purpose of conferring any benefit upon our people at home. And that is the only motive which would ever induce me by my vote to sanction a division of our State. A division would seem to me, whose heart I humbly trust is large enough to love *all, all Texas*, like the severance of a long blessed family tie—like bursting the cords of love which, springing from the spirit of God himself, had bound together for life two angelic twin sisters.

Mr. Speaker, if it ever comes that Texas must divide, I pray in humility that we shall divide as brothers, for great reasons of State—for a high and noble purpose,—but in anger never! never!! To a petty sectional feeling I shall never lend aid or countenance; but to make the South strong, united and great, I would ever be prepared to sacrifice much—as much as for any object this side of the grave.

MR. WARD said:—Mr. Speaker, I am confident that this is a question of too great importance to be hurried through this House. And I am fully assured of this fact from the discussion which has already taken place, and the conflicting opinions which exist between the members on this floor. I must candidly admit that I am not prepared to vote for the resolution, nor am I prepared to discuss the propriety of its passage. It is a subject in which every county in the State has a direct interest, and which may truly be said the gravest and greatest question which has been presented to the House; and one which has not been properly considered. I will therefore move a postponement of the whole subject until the second Monday in December, by which time we may each, and every one of us, come up and vote upon it understandingly, after having given it that consideration which its importance demands.

On motion of MR. POAG the House adjourned till Monday, 10:00 o'clock, A. M., pending Mr. Ward's motion to postpone until the 2d Monday of December.

House, December 14, 1857; pp. 105-108

## University Resolution

The resolution to establish *one* University was again taken up, and MR. JENNINGS offered a substitute, to locate one branch in the Eastern portion of the State.

Whereupon MR. WARD made the following remarks:

MR. SPEAKER—I have thus far, during the animated discussion on this subject, been a silent witness of the scene, and have not as yet publicly expressed my humble opinions upon the question, which I conceive to be perhaps of more importance than any other that will be brought before the Legislature during its present session. The subject then being of such weight and general interest, it behooves us to give it a calm and deliberate investigation. And I must here be permitted to say that I have been surprised, and greatly astonished, to see some members upon this floor endeavoring to hurry this resolution through in hot haste, and seem unwilling and deeply chagrined because Hon. members desire to postpone to a certain day, for the purpose of giving the subject that investigation its great importance demands. Some members on this floor, whose course in this discussion I fully endorse, have been anathematized and denounced, because they were the first to rise and call the attention of the House to the importance of the resolution. Then, upon a like principle, may I not expect to be condemned and almost beheaded for my sectional and contracted views.

I shall not enter upon the discussion of the subject, by making the broad assertion that no member of this floor shall outstrip me in making liberal donations for the purpose of establishing a sound and permanent system of Education. But the mode and manner in which the system shall be indoctrinated, is the question about which members will differ. Let us, then, in the outset, take a plain and practicable view of the subject, and not permit our minds to be led astray by the eloquent and partiotic demonstrations made by Hon. members, without giving a spark of a reason why their proposed plan should be adopted. I can see no reason for such hurry and bustle on this resolution, unless it be an overgrown desire to be hailed as god-father or founder of this imaginary University—forgetting in the undue excitement of the moment, that there are facts and preliminary questions which must be settled before this matter will meet the united approbation of the different sections of our wide and fertile country. When we take a retrospective view of this subject, we find that as far back in our history as 1839, it was thought proper and expedient for the State or Republic of Texas, to have two Universities or Colleges. If

Texas at that early period in her history, thought and deemed it necessary (when she had but a handful of citizens in comparison with her now immense population) to endow two institutions, what reasonable mind can, for one moment, entertain the idea that her demands are not now greater than at this early epoch in her history. By reference to the discussions upon the passage of the act of 1839, it will be seen that the same arguments were used as have been promulgated during this lengthy discussion.

Our State possesses wealth sufficient to establish more institutions of learning than any other State that has ever been admitted into the confederacy. Why not, in view of these facts, if the people desire it, make liberal donations at this time for the purpose of carrying out this policy in future. The only proper mode of ascertaining the popular will on this subject, is through the manifest representations of the agents of the people, who have, this day, by their vote on the amendment proposed by the gentleman from Cherokee (Mr. Jennings), openly and boldly proclaimed that they desire more institutions than one. But why do members on this floor come forth with such sweeping denunciations of sectionalism on the part of the East, because we who occupy our places here from that section, think it but for the general interest of the State at large, that more institutions than one should be endowed, and receive liberal donations from the treasury and public domain of the State. I here say, that I intend to deal candidly with this subject, and not permit myself gagged to the exclusion of opinions which I have and do now entertain. Past and present circumstances have riveted the conviction upon the mind, that at no very distant day this large and extensive State of ours will divide. This subject has oftentimes been discussed, and very many who are the advocates of a division, are scorned and cowered into silence by those whose mouths are filled with honeyed words or braggadocio threats, fearful, if they make a public declaration of this kind, that they will be decapitated. I do not here intend to convey the idea, or make the impression, that we should legislate with a view to this future occurrence. I would ask gentlemen on this floor, if we are under no obligations to our Southern sister States to form more States than one if they claim it at our hands. Did we not solemnly promise this in our articles of annexation? And should they make the request, and we refuse to comply, it would be recreant to the trust reposed in us, and basely unworthy of the high and honorable position which we now occupy among the bright stars that cluster in the constellation. The different sections of our State are not identical in interest, and although it may be politic to remain undivided, yet when interest demands it the



masses will rise and claim it. I make these suggestions for the purpose of applying the remarks which I have made.

Now suppose we unanimously adopt the resolution that we will establish but one University, and that one in the East (for the sake of argument,) and bestow upon that institution the most magnificent donations that we have any record of in the annals of history—yes, build up an institution which shall far excel the delusive pictures which have been drawn by the infatuated brain of some members on this floor—and when you have accomplished all this, then the State should dis sever. would it be just or right that one section should alone possess this mammoth enterprise, reared up and sustained by the common blood and treasury of the whole State? Perhaps gentlemen may think this picture too highly drawn, but is it unreasonable or improbable? I think not. It is certainly not a chimerical hallucination of the brain, but a conclusion adduced from a fair and thoughtful investigation of the subject.

A few more suggestions and I have done. Let us, at this session of the Legislature, make extensive donations for the purpose of establishing in the future two State institutions of learning, one in the East and one in the West. We now have the land, and if we wait a few years more the Legislature will squander the entire public domain, and the State can never carry out that grand idea of Education which seems now to be her purpose. Let us, furthermore, make liberal donations to other institutions which are rearing themselves amongst us as temples of light and knowledge; for from these and the common schools of our country will inevitably come forth more useful citizens, more soldiers to bear the brunt of battle, and more Divines to spread the light of the Gospel, than from all the Universities that have ever been erected and endowed by all the States of this glorious confederacy.

On a motion to postpone the consideration of the University question,

MR. KITTRELL said: Mr. Speaker, if it is the pleasure of the House to postpone this question for further consideration, I feel disposed to interpose no objection.—But I fear the arguments of some gentlemen who have spoken against this measure, may have an undue and injurious influence upon the question under consideration; and it seems proper to me that they should be met at this time.

In the various phases which this subject has been made to assume by the latitude of debate, which members have allowed themselves on the preliminary points suggested by the Committee, it has been my duty, as chairman of that Committee, to address the House so often that I feel an extreme delicacy and reluctance

in doing so again. When the gentleman from Jasper had concluded his remarks in opposition to this measure, I looked around rather imploringly to my friend from Cherokee, (Mr. Jennings,) and other friends of the enterprise, whose business it is to speak, as they belong to a profession that accustoms them to much speaking, while mine requires but little, but looked in vain. I had hoped that some gentleman on the floor, thoroughly impressed with the profound importance of the subject, much more competent to the task than myself, would rise from his seat in vindication of the great enterprise now under consideration. I would not, sir, again trespass on the time of the House if I were not so sensibly impressed with the vast importance of this enterprise to the future well being of Texas.

And I must confess my surprise at the opposition it has met here, coming, too, from the quarter it did. From an educated gentleman, one who has taken an elevated position in this House, and has given evidence here of no ordinary capacity, and who himself has reaped all the advantages of learning, and whose mind has been enlightened by the beams of science.

That gentleman, in making up his opposition, based his arguments entirely on false ground. Although he seemed to anticipate the charge of demagogueism from some quarter, yet I hope no one in this debate will be so forgetful of what is due to courtesy and himself, as to bring a charge of this kind against any gentleman, especially the member from Jasper, (Mr. Hicks). But when an attempt is made to array the prejudices of the masses against a great enterprise like this, by the use of such language and arguments as those which fell from the lips of the member from Jasper; it does justify a suspicion at least, if not of demagogueism, at least it was intended a little for the purpose of "buncombe." No endowment is proposed here. No robbery of the common school fund, as the gentleman must know from the manner in which that fund is set apart under the Constitution of the State; no one, however ardent his feelings in favor of this cause, could be so reckless of his obligation as to attempt to divert that fund from its legitimate object prescribed by the Constitution, for this or any other object. Then why seek to array prejudices against the University project, by attempting to create falsely the impression that it is intended to absorb the means provided for every other educational scheme? I will show the fallacy of this presently. I will show that the common school system has a munificent endowment under the Constitution, and by constant accessions from legislative liberality, that places it beyond the reach of this or any other similar enterprise.

If the gentleman will take pains to examine the report of the committee, he will see that it says, "before going into the trouble of digesting and maturing a plan for a University in all of its details, it is deemed best to decide the main question, as to whether we will decide to have a University or not? and if so decided, whether we will establish more than one?" But it seems that gentlemen are determined to depart from the latitude allowed them by the report and resolution, and discuss the whole question. The question of locality has been connected with the question, and has already been made to assume a prominence which it should not at this stage of the discussion. And, worse than all, sectional feeling and jealousy has reared its Hydra head amongst us, which always proves a bane to wholesome legislation, and I fear together with the opposition headed by the gentleman from Jasper will defeat this scheme entirely. The principal argument of the member from Jasper was that this great mammoth scheme, as he seemingly in a spirit of derision was pleased to term it, would swallow in its "capacious maw" the funds which had been provided for a common school system. And here I must insist that he took counsel more of his prejudice than his intelligence. He certainly has not taken the pains to examine what provision has been made for the common school system. Twenty years since Texas commenced her proud career, one of her first acts, as an independent government, was to declare that a permanent system of education should be provided. In carrying it out she has made ample provisions, and has submitted it to the legislative wisdom, which assembles here from time to time, to give a proper direction to her liberality. In the first place, she has, by a constitutional provision, set apart one tenth of her annual taxes and four leagues of land for each county, now amounting to near 500,000 acres of the public domain, for the endowment and support of this branch of our educational system. Besides this, at the last session of the Legislature, by enactment, added to this munificent fund the proceeds of the sale of her land scrip, under the law providing for the sale of the same at fifty cents per acre. All of this, except the latter, is secured to the common school fund by constitutional provisions, which will effectually save it from this devouring monster. And if the common school system has not entirely answered the expectations of its friends, it is not owing to any defect in the system or policy itself, but to the peculiar geographical position and condition of our State, being densely settled in some parts and sparsely in others, which causes the system, for the present, to operate unequally. But, sir, I am for continuing it; and just here I would remark, that I am as great a friend to that system as the gentleman from Jasper or any other member on this floor, and would be as

far from laying rude hands on it. I regard it as the very foundation of that great educational system which was inaugurated in Texas by its founders, and which I trust will be carried on to completion, in one great State University, which I regard as the crowning. Having shown then that our common school system is provided for, and secured and guarded by constitutional barriers against the chance of interruption, then, sir, I think the gentleman's argument derived from that source falls to the ground, and is entitled to no weight. And here I will say that that fund is much more munificent than the one we propose to provide for a University. And, further, I would say, and wish it distinctly borne in mind, that the two funds are separate and distinct, neither one being connected with or dependent on, or to be affected by the other. I am thus particular in making this statement, because the gentleman's argument was calculated to make a different and consequently a false impression. The amount set apart in the Senate bill, which has been alluded to here, is a mere nominal amount, inserted there, and subject to any correction or change that the condition of our finances may require, in the further prosecution of this enterprise, should it be the pleasure of the Legislature to engage in it.

I took the pains, sir, to go to the Treasurer's and Comptroller's offices, and look into the state of our finances, and I ascertained that there was a certain amount we could spare for this purpose. I ascertained that, after paying the expenses of this Legislature, and all the appropriations made at the last session, and those which would probably be made at this, there would remain in the treasury 306,000 dollars of United States five per cent stock, on which we might draw for this or any similar enterprise.

Like the gentleman from Galveston, (Mr. Brown,) who I am happy to see is with me on this question, I am opposed to starting this enterprise on too expensive and extravagant a scale. Let us commence it on a scale within our means, and increase it as the growth and wants of our State may demand, until it becomes not only a great State, but a great Southern University, on which we and our posterity can look with patriotic pride and exultation.

Well, sir, as we can now spare a handsome amount from our surplus funds, which added to the landed endowment set apart under the Republic, will place this institution on a sure and permanent basis, and at once give it character and position, it does seem strange to me that any intelligent member should be found on this floor who will raise his voice in opposition. It does seem to me that we should now, while those means are within our control, so apply them that they will tell permanently on the future prosperity of Texas. The money is in the Treasury, doing no one



any good, and should be profitably employed and invested. Sir, let it be frittered away in wild and visionary schemes of speculation, then when public necessity and public sentiment more imperatively demand the establishment of this institution, it will have to be done by taxes drawn direct from the people's pockets.

Then, sir, shall we suffer the most propitious time for the inauguration of this policy that has ever occurred in our history to escape us? Shall we suffer sectional jealousies and rivalries to spring up and crush this great work in its very inception, and thereby disappoint the fond hopes and expectations of all true friends of education? I live, sir, in a section where I can look impartially at the question of location, about midway of the State, where I can view it on its merits, and I have not made up my mind on this question. All that I want as regards that point is, to satisfy myself where it will dispense the greatest good to the greatest number, without regard to distance from this or that point. As I had occasion to say, on a former occasion, I regard the influence of climate and water, of woodland or of prairie, as mere secondary considerations, which should affect the main question but little, especially when we are sending our children to the Northern States, fifteen hundred miles from home, where they are subject to all kinds of moral and physical diseases.

I took occasion to allude to the condition of our common school system, a little while since, and showed its true state, lest the arguments of the gentleman from Jasper, drawn from that source, should have undue influence on the minds of some members. He took occasion to allude to other institutions of learning in our State which are now asking aid at our hands. I am glad, sir, that he has done so. He there strikes a chord dear to me. The venerable founder of one of the most respectable of those institutions is in this hall. He well knows the deep and abiding interest I have ever felt, and the earnestness with which I have ever represented the claims of Austin College before this body. He knows that from my position I am informed as to the blessings which that and similar institutions are dispensing through the State. Already can their *alumni* scattered about over the State, as they are toiling up the steep "where fame's proud temple shines afar," with that honorable ambition which mental culture never fails to inspire, point with pride to those young and rising seminaries of learning as their *foster mothers*. Then, sir, I regard it as an imperative duty on us to aid and assist them in their struggling enterprises. So far from regarding an institution such as we have now under consideration, as having a tendency to cripple institutions which have originated from associated individual enterprises, and our common school system, I think there is a beautiful and necessary

connection between such institutions. There must be springs before there can be rills, there must be rills before there can be brooks, there must be brooks before there can be rivers, and rivers before there can be oceans. All the first mentioned are but feeders to the mighty ocean. So there must be common schools, academies and colleges, and all these are but mere *feeders* to such an institution as we are now considering

And sir, while I have expressed my regret at the opposition coming from the source it did, it gives me much satisfaction to be able to endorse every sentiment that the gentleman uttered in reference to granting aid to institutions of learning now already in successful operation in our State. They met with a hearty response in my bosom. And I sincerely hope when we come to fight the battle on that question, which we must ere long, that I shall hear his eloquent voice again pleading in behalf of those institutions. I hope, though, separated widely now, we will be found fighting side by side in that glorious cause.

But, Mr. Speaker, I must close. I feel that I have trespassed already too long on the patience of the House, and must plead the importance of my subject as an apology. Then, sir, in conclusion, permit me to say, that I regard this as a practical question; as one of great State policy. I have attempted in my weak desultory way to treat it as such. Then, sir, let me again say, while we can accomplish this great enterprise, without taxing the people one cent, without interfering injuriously, in the least degree, with our common school system; without injuring the institutions of learning which have already come into existence by individual enterprise, let us do it. Should we fail to do it, we would prove recreant to the interest of Texas, and the great trusts confided to us as the guardians of her public weal.

Senate, Wednesday, January 20, 1858; pp. 98-100

#### University Bill.

The University bill being under discussion.

MR. WHALEY said:—Mr. President, I regret that this bill has been forced through the Senate in the manner it has. The university question has attracted much attention everywhere throughout the State as well as in the halls of Legislation. It is one of the most important questions this Legislature has been called upon to decide. Education, under whatever form, is a *taking* subject, and at first view I was disposed to favor a University. This proposed institution is upon a magnificent scale, and to be unparalleled by anything in ancient or modern time. Already is to be seen—*on paper*—

"A palace lifting to eternal summer  
Its marble halls,"

grand, gloomy and peculiar, where the votaries of learning are to congregate, whose motto is—

"A little learning is a dangerous thing;  
Drink deep, or taste not the Pierian spring."

What does this bill propose to do? Why, sir, to appropriate the sum of one hundred thousand dollars out of any money in the Treasury to begin with; and in addition to the two hundred thousand acres of land, which by the act of January 26, 1839, appropriating certain lands for the establishment of a general system of education, already surveyed, the tenth section of all the lands which have been or may hereafter be surveyed and reserved for the use of the State, under the provisions of the act of January 30th, 1854, for the encouragement of Railroads in Texas. And this sir, is acknowledged to be only a commencement—*the beginning of the end!* The bill as proposed in the other House recommended that four hundred thousand dollars of the United States five per cent bonds, now in the Treasury of the State, be set apart for the establishment of this University; while the quantity of land demanded exceeded four hundred thousand acres. Now, sir, entertaining serious objections to voting such enormous amounts of money and land to any such mammoth concerns, I beg the indulgence of the Senate while I state some of the reasons for *the faith that is in me.*

I am opposed to this institution because I believe it is anti-democratic, and at war with the spirit and genius of our republican institutions. I raise my voice against it because it will be, as it has been in every State where the system has been tried, with perhaps one or two exceptions, a magnificent failure. Or if sustained by the State, as it will have to be, it will entail upon the people burthens too intolerable to be borne. I am against it because it is legislating for a special class, and that class, the favorites of fortune, are the only ones that can and will take advantage of this institution, *and they are able to take care of themselves.* The great and leading principle of our government is, that it should be the rule of legislative action, "*the greatest good to the greatest number.*" Let us try this institution by that rule. The scholastic population of our State is estimated at one hundred thousand. How many of this number can the University accommodate? Five hundred is the greatest number claimed by its friends, and is a larger average number than has ever attended any similar institution, at any one session, in the United States. No basis of representation is proposed; let us suppose that each county shall send an equal number, there being at present one hundred and fifteen counties, and some fifteen or twenty more to be formed this session; each county

by this rule would be entitled to only about four pupils! and upon the basis of scholastic population would only educate one out of every two hundred! Will this satisfy the wants of the people? Now, on the other hand, with the present school fund of two millions of dollars, and the ten per cent of the State tax as already secured to this fund, and the four leagues of land donated to each county for school purposes; and if, in addition to all this, you appropriate the four hundred thousand dollars required to put the University in operation, with the four hundred thousand acres of land, if divided out among the different counties, or set apart for their benefit, and our schools properly systematized, we can establish such primary and high schools in each and every county as will put within the reach of every boy and girl in the State, a thorough practical education that will qualify, and enable them to adorn any station in life. With such resources as we have within ourselves, we can establish a system of public schools throughout the broad limit of our own Empire State, that would not be surpassed, if equaled, by any other State in the Union; and which would be the glory and admiration of the world. Such a system would be the proudest and noblest ornament of our State. Upon the education of the masses depends the prosperity of our people, and the perpetuity of our free institutions. And how is that to be accomplished, but by a system of public schools? These are the springs of our moral and intellectual being. Here the children of the rich and poor, alike, meet on that true equality which is the most glorious principle of our country's character. Here no one dare speak of rank, or wealth, or sect, or party, and here merit is the only passport to its honors. It is from such places as these that have emanated the mighty men who have illustrated the most splendid pages of the world's eventful history. As before stated, the scholastic population of the State is estimated at *one hundred thousand*. Now the great question presents itself, which is the most important, the education of *five hundred* of the favored sons of our land at this State institution—*only one out of every two hundred*—or the education of *one hundred thousand* boys and girls in all the branches of a practical and useful education?

Another serious objection to this institution is, that it will become the peculiar pet of the powers that be, and in due course of time will absorb the entire resources of the common schools, and sooner or later the inevitable results will be to break down this system without accomplishing the objects of its establishment. Every Legislature will have to make appropriations to it, and still the cry will be, "*give, give.*" This bill contains no basis of representation as to who and how students shall be admitted. Let us suppose it is located at Austin; then will it not be filled up with pupils from this and adjoining counties, to the exclusion of other portions



of the State? It is further proposed to educate at this institution, without money and without price, Lawyers and Doctors! In view of this will not the people cry out *good Lord deliver us?* In the name of afflicted humanity I would ask have we not already an abundant supply on hand of these *necessary evils*, and "sufficient for the day is the evil thereof." It is not right that the people should be taxed for the education of such professional men, whose services are so extravagantly paid for. It is denied by the friends of this measure that the rich alone will reap the advantages of it. I am aware that an occasional exception to this rule might be cited, but that does not destroy its general application. The great National Military Institute at West Point was established with the most benevolent intentions, but who now derive advantages from this beneficence and bounty of Uncle Sam? Who, in the main, but those who have political influence in their Congressional district, and plenty of the root of all evil, to push their claims? Occasionally some meritorious youth obtains admission, but this is only an exception to the rule. Such will be the working of this University. The heavy expense of living, and the innumerable extras attendant upon those who come from a distance, will make such an amount as our laboring class, our mechanics, and small farmers are not able to expend on their boys for the sake of giving them a fashionable education. In fact such an institution is not demanded by the wants of the people, at this time, at least.

I am apprised of the fact that all who choose to oppose this university will be stigmatized as demagogues! Well, sir, if to advocate the rights and interests of the masses, in opposition to a mammoth concern like this which will be the very hotbed of aristocracy; whose basis is the almighty dollar, where will be engendered pride of wealth, extravagance, intemperance and the thousand evils which are ever attendant upon such institutions, then, sir, I am willing to be called a demagogue. But such a course reminds me of the thief who, foremost and loudest in the pursuit, cries, stop the thief, in order to divert suspicion from himself. For in order to quiet the fears of the people on this subject, the friends of the measure argue—"is it better to have two Universities, into neither of which the sons of any but the rich could enter—or one that would be open to the poorest youth in the State? Establish a University in the East, and one in the West, and the sons of all will be excluded except those of the rich." Is there any demagogueism in all that? And is it not the most fallacious and absurd reasoning? How two Universities would exclude all but the rich, and one capable of containing only half as many students as two would be open to all whether rich or poor, is very strange logic.

We have a number of respectable literary institutions in various parts of the State, established and sustained by private enterprise, and others will spring up as they are needed, where facilities

are offered for obtaining a liberal education. Give us the facilities for education as near home as possible. Let your children come as much under the kind protecting care and influence of the mother as can be. Let her impress upon the plastic minds of our youths the lessons of virtue, morality and religion, which is as important as education itself. These impressions will go with them through life and ever be their guiding star. This are [is] the great future of our educational system. Let us commence at the foundation building gradually upwards not forming a roof ere the foundation is constructed. Then after we have perfected this system, should the necessity be apparent for such a University as this bill proposes, I shall say, God speed the work! "let it rise until it shall meet the sun in its coming, and let its rays linger and play upon its summit."

House, February 4, 1858; pp. 210-211.

State University.

The special order, to wit: a bill to establish the University of Texas, was taken up, and the report of the Committee read.

Mr. Ross said: Is not this bill subject to a constitutional objection? I ask if this bill does not contain the same features and embrace precisely the same substance with one that has once been rejected by this House? The 22nd Section of the 3rd Article of the Constitution of the State of Texas is in the following words: "After a bill or resolution has been rejected by either branch of the Legislature, no bill or resolution containing the same substance shall be passed into a law during the same session." Now I contend that the same substance contained in that bill has been once rejected by this House. I am aware of the fact that this identical bill has never been before acted upon; but the proposition to make such an appropriation was rejected, as the very substance of that bill was contained in Mr. Murrah's resolution, which was rejected by the House. I care not in how many detached parcels this bill was previously considered; I care not as to its presenting itself under two different aspects; it was rejected under both of them by this House. The first proposition was the establishment of one University or two Universities. The first proposition rejected by the House was for the establishment of a University, which was severed into two; and then a proposition to appropriate a hundred leagues of land and a hundred thousand dollars was rejected, which is substantially this bill.

Now, I ask the Speaker if this is not so, and I desire that his ruling be had thereon.

THE SPEAKER, (Mr. Locke): It is not for the Chair to determine that question.

Mr. BEE: I should like the Chair to consider the point of order.

MR. SPEAKER: The Chair does not consider it a point of order.

MR. ROSS: I make it a point of order.

THE SPEAKER: The Chair would like to have the opinion of legal gentlemen of experience in these matters.

MR. ROSS: I will put it in this shape, in order to get at it. I move to reject the bill on the ground I have stated.

MR. MUNSON: I ask if this is a proposition to erect one University? If so, I have not been allowed to vote upon it as yet.

MESSRS. DENNIS, ENTRETT, and BUCKLEY discussed at some length the history of the previous action of the House upon the University question.

MR. AYCOCK made an eloquent speech in favor of the bill. (Published in a previous number.—Reporter)

### House, February 4, 1858, pp. 70-72

#### University Bill.

MR. AYCOCK said:

MR. SPEAKER: I do not know that any words of mine could add to the cogency of the unanswerable argument just made by the honorable gentleman from Fort Bend (Mr. Buckley), upon the Constitutional objection set up as a bar to the action of the House upon this bill. The Journals of this body need no subtle construction to show that the so-called constitutional barrier is wholly destitute of foundation. There has never been a direct vote here upon the substantial elements of this bill, as contended. The first majority report of the Committee on Education recommended, by resolution, the establishment of one University, to test the sense of *this* House. No final vote was had on the resolution in its original shape. It was amended, and provided for two Universities, or one University connected with the proposition to establish a literary college of equal rank and endowment, and in that shape defeated. In that form the defeated resolution was entirely different from the provisions of this bill, and I protest against such a perversion of our sacred Constitution, to defeat now a fair vote upon a measure of such transcendent importance to the present age, and the future generations of people who are to inhabit this interesting State.

Now, sir, in my opinion, is the time for action. The people expect it. The highest considerations of the public weal demand it, and I feel that it would be criminal in us to procrastinate longer. A clear majority of both Houses are impressed with the necessity of it. Our late Governor, and his Excellency, the present incumbent, have urged it, and the people have everywhere ratified their action. Why then should we not acquiesce ourselves to the responsibility now? *Now* before the means in our power are dissipated; *now*, ere the wealth in our exchequer is exhausted, *now* before our public

domain is filched from the people by the legerdemain of special legislation, the sinister devices of speculation and the miserable machinations of fraud; *now*, before the Sibylline leaves are scattered forever, let us respond to the mandate of duty by the passage of this bill.

The idea of establishing two Universities has been urged, and met with considerable favor in this body. Sir, I must say, that a proposition more revolting to my mind could scarcely be suggested. I consider that my duty here is to legislate for the State of Texas, and not for two States hereafter to be carved out of her territory.

I hope, however, that the prospect of establishing two Universities is now consigned "to the tomb of the Capulets." Nothing, in my judgment, would be more conducive to that unhappy catastrophe of a dismemberment of the State. Two rival political influences would be thus educated, which, in the Legislative Halls, and in pursuit of political honor and position, would engender and foment discord, animosity, sectional dissension and dissolution. I cannot entertain consideration for any thing to affect, in the remotest degree, the entirety of Texas, and I but feebly pronounce the sentiments of those who accredit me here, when I denounce the fell spirit, no matter in what shape it intrudes itself into these Halls. How could it be expected that we could hear, unmoved by indignation, a proposition of that character? I care not how the division lines were run, whether to follow the tortuous meanders of the Trinity, or the rapid rolling waters of the Brazos, instead of occupying the center of a once magnificent empire, as now the good people of my district do, we would be left upon the border of a petty province, not to be known by the sacred name of Texas; but God only knows by what name to be called, or indeed, what our destiny would be. Sir,

"If I could embody and embody now,  
That which is most within me, could I wreak  
My thoughts upon expression, and thus throw  
Mind, heart, soul, feelings, passions, strong or weak,  
All that I could have sought and all I seek,  
Into one word, and that one word were lightning,  
I would speak,"

and I would call into existence a power greater than myself, with Herculean arm to wield the spear of Ithuriel and strike prostrate this "great, horrid monster," which has so arrogantly stalked into our councils, to dictate the unholy policy of a division of Texas, to despoil her of her place and name among the sovereignties of this confederacy, and rudely to tear from her glorious coronet the proud title of "the Empire State of the South!"



There is an erroneous view taken by many opponents of this bill, to which I will allude: that injustice is sought to be done to the East in refusing to establish two Universities. Let me say that the friends of the University "know no North, no South, no East, no West," but only Texas, and the best interests of Texas, in all her length and breadth. Whatever spot it is located upon, we presume and expect all sections to be alike benefitted by its effects. To regard it with a view to the enhancement of the value of property by its vicinage, or as a means of aggrandizing the proprietors of some projected town or city, would be sordid and unworthy of the wise and patriotic legislator, who is animated by a true desire to benefit the State and develop her physical, intellectual, and moral attributes and capabilities.

But, sir, there is a more direct view to take of this question. To establish two institutions would not carry out the design of establishing an University. We desire to establish such an one as will afford the means of the highest accomplishment to the sons of our noble State, and such an one as will satisfy and induce all who seek such opportunities to remain at home. And I submit, that if all our means be devoted to one enterprise, we could not more than effect this. With all our means, energy, and patronage we may. Moreover, to put an University in successful operation, it must be cherished by the State pride of the people. It must have character, and character can only be made by the patronage and pride of the people. To excite and secure that, it must be a matter of interest to all the people of every section of the State. We might erect a pile of public buildings as stupendous as the Acropolis or Coliseum—we might collect a library as extensive as that of the Ptolemies at Alexandria. We might have a chemical laboratory, and philosophical apparatus, furnished with all the instruments and appliances discovered from the earliest dawn of scientific investigation; an astronomical observatory higher than the royal turrets of England or France, and place there telescopes whose ken might sweep out to the purlieus of infinity itself, and supply all the faculties with the ablest professors on the globe, but, sir, the temple would be empty if we did not erect in the precincts an altar of State pride, where the patriotic libations of a people's love might be poured out in profusion. That kind of an institution would attract all the youth of the land, because its diploma would commend its foster children to the people, and rank them at once as important constituents of society. Our young men would attend it in preference to all others, because they would feel as they come from its portals to enter into the

"World's broad field of battle  
And the bivouac of life,"

that they were going forth in quest of fame and fortune, as with the very blessing of a mother. On the other hand, attempt to establish two, both must be inferior to one of the kind we should endow. But especially would it be wanting in the great vital spirit of State pride. For I deny that you can dignify any mere sectional pride or vanity, into the noble emotion of State pride. For one I would dislike to see the people of Texas content themselves with sectional institutions, or sectarian institutions, which would only be as almoners of religious bigotry and the purveyors of denominational warfare.

I was sorry to see some worthy members of this body, men of learning and genius, express sentiments derogatory to the capacity of Texas to establish a great University. They seemed to treat the idea of that aspiration on our part as visionary. The satire was unjust to Texas. They did not appreciate the capabilities of the country.

\* \* \* \* "they lent their gift  
Of glorious faculties, to blight and mar  
The moral universe: and set adrift  
The anchored hopes of millions."

The idea of establishing an institution like Salamanca, Oxford, Cambridge, Harvard or Yale, and the temples of learning in classic Greece and Rome, was, in their estimation, above the capacity of the barbarians of Texas! I will not sanction the aspersion upon the intelligence and enterprise of the people of Texas. I know that such an institution will not spring up as soon as this bill is passed, like the pandemonium of Milton, as an exhalation from the deep. I will not view it through the kaleidoscope of fancy. It will take long years to make our institution equal to others, after centuries of growth and expansion. But I see no reason why we may not lay the foundations of an University which may become, under the fostering care of a great and progressive people, as great as any that ever nourished the mental youth of a Socrates or Plato, a Cicero, a La Piace, or a Newton. I would disdain to compare the genius of our people to that of the people who reared the University of Salamanca. Spain, I believe—Spain—that sombre representative of all that is corrupt in political turpitude, and all that is detestable in national perfidy, a nation of Jesuitism, the inquisition and garote—No, sir. Nor can I see why the aspirations of a State, an Empire which commenced her career under the auspices of an Austin, a Burnett, a Houston, a Rusk, a Lamar, a Crockett, a Fannin, or a Bonham, may not indulge in day dreams of a destiny as bright as that of the Island, which, though now she holds in her proud grasp the trident of the Seas, was erst when the Roman

cross and imperial eagle were planted upon her desolate cliffs, the abode of the superstitious Druid, who ministered rites to his woodland divinity more horrible than the sacrifices of the Aztecs. We are only to take the initiative. Our duty is only to lay the corner stone. "If nothing is done, nothing can be finished." The superstructure may be reared, and will be if we do our duty.

Some have been disposed to doubt the utility of an University. Will any gentleman get upon this floor and declare that education is unimportant to the people of a Republican government? Sir, I apprehend not. Every man on this floor is impressed with the necessity of common schools. But, sir, I contend that the correct doctrine is the most general diffusion of knowledge, and the *highest possible attainment in the arts and sciences*. We cannot attain that desideratum without an University. If we can, sir, every man must admit that it must be acquired abroad. Now, sir, I ask if it is good policy for Texas to depend upon other States and countries for her learning? Shall we depend upon *importation* for that supply of superior knowledge and science which it is necessary for the people of a civilized Republican government to possess? Shall we rely upon missionaries from Yankeedom, and emissaries from Europe? Is the development of latent truths and principles connected with our soil and climate, relating to our physical and agricultural resources, of such small importance? The single battle of Waterloo is said to have cost England forty millions of pounds sterling. One little treatise upon agricultural chemistry has done more good than all that money. The one swept off in torrents of blood happy homes and cultivated fields. The other has learned millions to obtain subsistence and life. The one entailed death, orphanage and widowhood upon thousands. The other has taught people to the very bones of that bloody Golgotha, to turn sterile mountains into flourishing gardens. But, sir, a high degree of scientific acquirement is not only important to the profit of the first calling in the industry of the State, that of the farmer and planter, but to make them intelligent electors and competent public functionaries. The more of those you thoroughly educate, the better for the country. And the nearer home to them you place the facilities, the more will be able to accomplish themselves. Our legislative halls need a greater number of educated and scientific farmers. To get these, sir, you must have a home institution of the highest order. This alone, sir, ought to control us in passing this bill. As long as they have to travel abroad, they must, in a great measure, be unable to do themselves justice. Educate them, and educate them well. They are the pillars of the Constitution itself. They learn virtue in the soil they till, and in the pure air that, uncontaminated by the vices and luxuries of crowded cities, blows around their brows; and when society, debased and degener-

ated in the pent up city, shall wither and decay, freedom and virtue shall be renovated and protected by their patriotism.

We need this University to educate a corps of competent teachers for our common schools and academies. How lamentably deficient is our State in that respect. The people are tired of the imposition of cosmopolitan pedagogues and itinerant Yankees, who come among them with poisonous dogmas, theories, and ideas inimical to the institutions, and at war with the noble genius of the Southern people. It has been said, that the friends of the University bill, advocate a policy hostile to the interests of the common schools. I deny that there is any hostility between them. On the contrary they are reciprocally dependent on each other. Common schools cannot exist in anything like a healthy conditions unless they are supplied with teachers. Common schools are as dependent upon institutions of a higher order, as are my fingers and other extremities, upon the aliment that is thrown to them by the great central life-giving motion of the heart. Where are the teachers to come from? It is evident that Texas must have a great Institution of her own to supply them, or else they must be educated abroad. But, sir, as I said before, it is not the policy of Texas that her sons should be dependent for their intellectual and moral attainments upon the *Savans* of other states and countries. That would give too much influence and power to other political authorities. It would be placing our State in a condition of mental vassalage, to those who may be our enemies. No patriot can desire to see the learning and intelligence of Texas an *exotic* thing. Let it grow *indigenous* upon our fertile soil, and in our ambrosial clime, as our own ever-green live oaks and cedars. It is the policy of every state to be *independent* in all her resources, physical, moral, and *intellectual*. The best attribute of a state is her *mind*. And above all things I would desire to see Texas not only independent of, but superior to the world in that element of greatness. The common school interest is all important, and the University should be favored by the friends of common school education as a necessary adjunct for a good supply of competent teachers, identified with the best interests of our political and social system.

Again, it has been urged that a University will only benefit the rich—that the poor have no interest in it, and therefore as trustees of the public money, and the public domain, we ought not thus apply them. If I thought so, I would be the last man to advocate this bill. But I contend that every citizen of Texas rich or poor is interested in this enterprise. If there is any advantage it is in favor of the poor. I like it all the better for that. I never

\* \* \* "hear with a disdainful smile  
The short and simple annals of the poor."



By the terms of this bill tuition is free. That is one advantage. But again, there is another. Rich men are able to send their sons abroad. Poor men need facilities at home to save that expense. This University will be more accessible to them than foreign schools. This is another advantage to the poor man's son, the orphan, and the "widow's son." Here, sir, the youth of generous ambition may attend the institution a part of the year, and during the remainder he may remain at home to assist in supporting his father, mother, brothers and sisters, if necessity demands it. Thus, sir, many, very many noble minds would be educated, which otherwise would never have the blessed opportunity. But, sir, apart from these considerations, do gentlemen suppose, because fate has condemned a family for a season to the hard lot of poverty that therefore none of its members may hope to reach the "rights, lights, and benefits" of an University education?—Sir, I thank God, that in this bright land of ours, poverty is not a hereditament to be transmitted in perpetuity from father to son, and generation to generation. Our condition is not like that of other countries where industry is vain and enterprize is angatory to ameliorate the condition of humanity. Our poor, sir, are not as the serfs, the rabble, and *canaille* of Europe. Our country is a kinder mother. Not like Russia, or unhappy Poland, where the manes of an unavenged Koscinsko bewails the fall of his country. Not as Austria whence the edicts of political tyranny are denounced upon the heads of a Kossuth, or Mazini. or as in Turkey where the spirit of man is debased and his energy emasculated by the sensual dreams of Islamism. Not as in Greece, "sad relic of departed worth." Nor Italy that—

"Niobe of nations  
Childless and voiceless in her war."

Nor a Spain or France alternately vacillating between the extremes of despotism and anarchy. Nor yet, sir, is our condition like that of England, with all her boasted freedom. composed as she is of two hostile elements of society, capital adverse to labor, the one feeding upon the blood, and literally grinding the very bones of the other. No, sir, here every fetter is taken from the body, every shackle from the soul, and every manacle from the mind. and man stands erect in the full possession, and unrestrained enjoyment of every faculty with which nature has endowed him for the pursuit of happiness. The consequence is, the poor man of to-day is the rich man of to-morrow.

Who are the Girards, the Astors, and the Lawrences of America? The children of poverty, obscurity, and early necessity.—Their history will be found to be that of a large majority of the affluent of our country. Again, sir, I would ask who are they who by

their energy, their industry, and their unremitting toil and study, "made their lives sublime." in scientific, philosophic, and political usefulness? The sons of the poor men of America! They have far outstripped the sons of the rich in the race of glory. They are they who in our country's history have become world-renowned lights, and examples. Scarcely able in youth to get along without daily labor, they are they who have won the honors of our colleges, and carried away as trophies of their aspiration the prizes and medals. They have gone forth from their collegiate lucubrations, panoplied with the armor and protected by the aegis of Minerva. In the Senate chamber they wield the rod of Hermes and the sceptre of mental empire. When they die they are apotheosised,

"Their graves are pilgrim shrines,  
The Delphian vales, the Palestines  
The Meccas of the mind."

I am proud to stand in my place today, and repudiate in the name of the mighty dead of Texas and the Union,

"Whose sceptered spirits rule us from their urns"

the unfounded aspersion upon the poor men of Texas, that they are not interested in the establishment of an University. They are interested as much as rich men, in the discovery and elimination of scientific truth and principles. They are interested in the education of their posterity. They are interested in the creation of statesmen in whom to confide the trust of political affairs, heroes to lead their armies in battle, and gigantic intellects to defend their political faith. They are interested as much as any other men in the progress of the arts and sciences. They are interested in the progress of civilization.

Finally, sir, I feel bound to proclaim for the poor men among my constituents, that they are interested in anything and everything that will contribute to the independence and glory of Texas. And, sir, whatever may be her fate in relation to the Federal Union, they desire that the radiant lustre of the "Lone Star" may never grow dim in the political heavens; but that, in the union or out of the Union, she may remain imperial now and forever.

House, February 4, 1858; pp. 211-216

Mr. SHANNON said: I feel, as a matter of course, a great deal of diffidence in attempting to discuss this question, after the rhetorical and eloquent speech of the gentleman who has preceded me. I hardly feel as if I could engage the attention of the House for the

five minutes allotted me. And were it not that I feel something of the responsibility which I owe to this sacred instrument; were it not that I can recollect, and very vividly recollect, that about three months ago, I stood up at that desk and held up my right hand, swearing to support the Constitution of Texas, I would not now attempt to offer my reasons for opposing this measure.

There was sometime ago a resolution offered in this House to establish a University. That resolution was amended about in this way: that in the event of one University being established West of the Trinity, a school of an elevated character should be endowed East of it, and *vice versa*. The proposition never was voted down to establish two universities; it was the proposition to establish one University, with that amendment. And gentlemen may fix this up in any way they please, this constitutional provision will stare them in the face: "After a bill or resolution has been rejected by either branch of the Legislature, no bill or resolution containing the same substance shall be passed into a law during the same session." When this matter was up before, simply because I did not feel myself competent to discuss such a question, I never bothered the House with any remarks. But I read the Constitution sometimes, and I profess sometimes to understand what portions I do read.

I will refer very briefly to the grounds of my opposition to a grand institution of this kind. And here I will say that I am as much in favor of education as any gentleman on this floor. I would like to see it progress and flourish throughout the land. I am in favor of appropriating the moneys of the State of Texas to the education of the sons of her soil. Yet, sir, I want it appropriated in such a way as will bear equally upon all, so that the poor as well as the rich can be the recipients of its benefits. Now I ask the friends of this measure, who will be the beneficiaries of an institution of this kind; grand, and magnificent, and glorious as it has been painted by gentlemen who have addressed this House in its advocacy? The great majority of the people of Texas are poor. Nine-tenths of the children of the country will never be benefitted in any measure by the creation of this great institution. They never can attain even that degree of education which will admit them within the walls of this University. And it is for the masses of the people that we ought to legislate here. We are called upon to enact such laws as will promote the greatest good to the greatest number. I am aware that a higher and more extensive education can be obtained in an institution of this kind than in such as are founded and sustained by private enterprise. Yet while the few are acquiring this superior education there, thousands upon thousands of the masses of the country are shut out from its advantages, and destitute even of the means necessary to enable them to attain the ordinary branches requisite in every day life. We are now leg-

isolating the means of the people of Texas away. Are they to be so appropriated as to benefit only a comparative few? For I ask gentlemen how they are going to arrange it so that all may be equally benefitted? Can they get up such an institution on a scale sufficiently grand to educate every child in Texas? Can they thus educate a hundredth or a thousandth of the rising generation in this State? Then, sir, how are they to divide out the benefits of this institution? Who are to be the lucky ones—who the unlucky? If we had money enough to found an institution in which all the children of the State of Texas could be educated gratuitously, God knows I would go one dollar beyond the most liberal in its endowment.

The allotted time having expired, Mr. SHANNON had leave to proceed.

MR. SHANNON: I feel obliged to the House for the courtesy extended to me. I believe it is the first time I have attempted to speak upon this subject.

THE SPEAKER (Locke): The motion to reject is now in order. The question would be regularly, the passage of the bill to a third reading. But the chair does not consider it within his province to decide upon the constitutional question. In that matter every member has the same right that he claims for himself.

MR. SHANNON: I was about to ask, how are gentlemen going to manage this thing, so that the little ragged urchins, the children of the poor, as well as the rich man's sons, can be the beneficiaries of this institution? If they can get up an institution of such kind, I would be in favor of appropriating the money and lands of the State for its endowment. But when we commence legislating away the means of Texas, I want to be satisfied that the benefits to be conferred will be fairly and equally distributed to all classes of the community. Now every man of common sense knows, every man of ordinary observation must know, that it is only the rich man's son who can be benefitted by this institution. And it is for that reason, I am opposed to it. As I remarked before, I will go a little beyond the most liberal man in appropriating our means for the common schools of the country. I am willing that all the money we have got to spare, and all the land not absorbed by railroads and other speculations, every acre of it, shall go to support common schools. But I am not in favor of one acre of it going to benefit the children of men who are able to educate them without the aid of the State. Let all the money we can spare, I say, and all the land go to the endowment of common schools, where the rich man's son, as well as the poor boy, can acquire the elements of a good education, and pursue his studies until he reaches the point where he finds himself prepared for college. When he gets beyond that the rich man is not only able but willing to give his child a scholastic education. Then, sir, in legislating this money away, let us do it in



such manner that all can participate equally in the benefits to be derived from its appropriation.

MR. NORTON, after stating his recollections of the previous action of the House in connection with the question, and referring to the clause of the constitution which has been cited during the discussion, proceeded:

"After a bill or resolution has been rejected by either branch of the Legislature, no bill or resolution containing the same substance shall be passed into a law during the same session." Is this body a branch of the Legislature or not? There is some doubt about that, I believe, of late. In the name of God, Mr. Speaker, what does this language mean? This University question was had under discussion for many days and weeks here during this session. This very same proposition, this very same scheme, this very same matter, the establishment of a mammoth institution of learning, was before this body. Will it be said, can it be said, that this is not the same in substance, that this has not the same object? How can any man who makes any pretensions to candor, make such an assertion? The first proposition was to erect a University. The committee themselves said in their report that their first purpose was to ascertain the sentiment of this House as to that general proposition; that they wanted to know whether it was the policy of the Legislature to engage in this enterprise. What enterprise was that to which the chairman of the committee had reference? And what enterprise have we before us now? An enterprise for the establishment of a State University. Was not the sense of this body taken, its deliberate sense, upon this very proposition? Was not a *quietus* given it in the early part of this session? Sir, that is the fact, as many of us very distinctly remember. But now, when a long time has elapsed, when a large number of gentlemen who then voted in the majority, have returned to their homes, when we have been excusing member after member, now at the very heel of the session, a scheme of this character is presented. And now we have the Austin city lobby within our halls, whispering in the ears of members; we have the influence of the central clique at Austin brought to bear upon us, and attempting to carry certain measures through, *volens volens*, with an organized press adverse to the rights and interests of the masses. Under these circumstances, this proposition is again presented, and you are asked to pass this bill. Why, sir, it is a most absurd bill. I cannot but believe that its friends themselves regarded the measure as already disposed of by this honorable body. As an evidence of that, I need only refer to the term used in designating those who are to have the control and management of this institution. In section third, they term them "*administrators*." So it seems the institution was deemed a dead

cock in the pit, and no longer regarded by its friends as having any life or vitality.

Here the Speaker's hammer fell, and MR. NORTON took his seat.

MR. POWELL said: I regret the necessity of rising now to address the House, and I fear I shall do injustice to the cause I favor. But when I hear such remarks made in this hall as I have listened to this evening, I feel it a duty I owe, not only to myself, but to the friends of this measure, and the people of my State, to reply to them.

Who is it, I ask, Mr. Speaker, who has delayed the consideration of this question until this time? Is it the friends of learning, or the friends of this institution? Who are they who have done it? It is not the friends of the measure. They cannot charge it upon us, who have battled from the first for this enterprise and the cause of education in general. It is the opponents of the measure who have staved it off to the present time.

Now, sir, I trust gentlemen will let us come to a fair and honest vote upon this bill, and not attempt to cripple and ride it down with amendments. If it is attempted to make the question of location paramount to every other consideration, to make that the one great thing, it is evident that an incalculable injury will be done to the cause of education. Then I say that those men who attempt to do it are not the friends of the people, not friends to the cause of education—not patriots—not friends to their country.

Does this bill contemplate educating only the rich man's son, as indicated by the gentleman from Johnson, (Mr. Shannon)? Does it give him the exclusive privilege of attending a University course and acquiring a liberal education? No, sir, the poor man's son can come there upon the same terms, and stand upon an equal footing with the son of the rich man. Such arguments are too fallacious to merit discussion; they are mere wordy appeals to a vulgar prejudice. In this country of ours, the man who is rich to-day is poor to-morrow, and the man who is poor to-day is wallowing in riches to-morrow. Wealth among us is not handed down from father to son, neither is poverty. Men of all classes acquire wealth; the children of all acquire learning.

The gentleman from Johnson declares himself a friend to common schools. Now, sir, I ask, have we not endowed our common schools most munificently? Has it not been the constant policy of the State of Texas, from its first organization, to provide for every child within its borders, the means of obtaining a good primary education? And now when we ask to give this very child a higher grade of learning, a higher standard of morality, and everything necessary to prepare him for the higher walks of life, then these friends of universal education come up and oppose us. Sir, give me a whole apple, and none of your skins and peelings.

MR. POWELL made a few other remarks indistinctly heard by the reporter, and concluded as his time expired.

MR. KITTRELL said: The deep interest I feel in this measure, and the anxiety I have evinced in the performance of my duty as chairman of the Committee on Education, are well known to every gentleman upon this floor. I am not ashamed to avow it; on the contrary, could I be in the least degree instrumental in inaugurating this great enterprise, I should feel that it was one of the proudest acts of my life.

I hope the House will indulge me while I make a brief statement of the facts of the case, in opposition to the very perverted statement made by the gentleman from Henderson, (Mr. Norton,) which, with all his pretended fairness and candor, was the greatest piece of sophistry and perversion of fact that I have ever had occasion to listen to in my life. That gentleman has manifested a very singular peculiarity during this session, in the preservation of Journals and records. Such a thing is exceedingly commendable indeed. I think it is praise-worthy in him, that he should have a proper regard for the business of this Legislature as it passes. But when he has occasion to refer to facts of this kind, I think it due to candor and the importance of the subject, that he should state them just as they are. Well, now, Mr. Speaker, the Committee on Education instructed me to say just this: that this was an important question; that in view of the great difficulty of digesting and maturing a plan for a State University in detail, we thought it best to submit to the Legislature the simple test question, whether or not it would go into this enterprise at this session, and whether it would be the policy, if it did so, to have one or two universities; and that was suggested in compliment of the opinion of the gentleman from Smith, and two or three others upon the Committee, who seemed to favor two Universities. But a large majority of the committee instructed me to say what is embodied in the resolution, "that it is the sense of this Legislature that we establish one University at this session," and if that was decided on, it was determined that we should proceed to take action in the matter as soon as practicable. After that proposition was adopted, the gentleman from Smith, (Mr. Chilton,) moved to amend by adding his proposition for two Universities. That was voted down. The one University scheme has never been voted down in this House. There never has been a direct vote taken upon it yet. Before the opportunity was presented for that, the gentleman from Smith rose and offered as a substitute the minority report, recommending the creation of two Universities. Then the gentleman from Rusk, (Mr. Ross,) offered that monstrosity, for I know not what else to call it.

After some sentences lost by the Reporter,

MR. KITTRELL proceeded: This proposition was substituted by the vote of the "No University" members, with the assistance of the friends of two Universities, and the help of these gentlemen of very tender consciences. The gentleman from Johnson, (Mr. Shannon,) was one among the few who were candid enough to acknowledge that their object in uniting upon this two University project was to defeat the whole scheme. That was the ground he took, with all his professions of fairness, and all his high and sacred regard for the oath he has taken, which I do not question at all. But while I am ready to concede him so much, I think it a very small request to make of him, that he on his part will award to us who differ from him in opinion, the same purity of conscience and regard for an oath.

Well, sir, after this monstrosity had been proposed by the gentlemen from Rusk, and imposed upon the House by the "No University" and the "Two University" men, the "One University" men had no other resource at all but to vote against that thing. They did vote against it, and voted it down. Now I ask gentlemen to take these propositions and compare them together. Put his side by side with that of the gentleman from Rusk; and if there is any sane man in this House, any man that knows his alphabet, who can say that they are the same propositions, then I will say that he can boast an astuteness that I have no claim to whatever.

MR. RAINEY offered the following amendment:

"*Provided*, said University shall be located between the Brazos and the Trinity rivers, and between the 31st and 33rd parallel of north latitude"

After some remarks by Messrs Harrison, Burnett and others,

MR. EVANS of McLennan said: I do not want to impose upon the House, as I think the House will bear me witness I am not in the habit of doing so. I only wish now to refer to some remarks which fell from the gentleman from Henderson. I am one of the number of those who cast their vote against the proposition which was killed in this House. He contended that the establishment of a University under constitutional provisions was by that vote sacrificed. I think that gentleman was mistaken. No such proposition has ever been voted against by myself. No such proposition as the one now before the House has ever been considered. I have voted against no proposition for the establishment of a University. For those who are honestly opposed to this measure, I have the highest respect; they are right in following their own convictions of duty. But from those who profess to favor the project, and yet at every step in its progress, attempt to stab it to death, it comes with a bad grace now to charge it upon me, that I, as one of those who cast the vote alluded to, aided in preventing the establishment of a State University.



There is an amendment now before the House, providing that this institution shall be located between the Brazos and the Trinity, and between 31 and 33 degrees north latitude. I, sir, live in that territory; I live in central Texas; and I am here ready to say, that though the adoption of that amendment might give the institution to my own town, I shall vote against it, and I hope the House will reject it. What killed the bill before? Was it that the voice of the people of the State was against it? No, Sir, it was this question of location. It was done by the members from east of the Trinity, and a few western members who made the location the paramount question. I say, sir, though it were to be located thereby in my own town, I would vote against this amendment. Let us not drag this question of location in here.

After some sentences inaudible to the Reporter, he concluded:

Let it not be asserted that we who voted against this monstrous proposition must go home to our constituents bearing the responsibility of defeating this great measure. We won't take it. We hurl it back where it belongs.

MR. ROSS, after some remarks lost by the Reporter, read the 3rd section of an act of the Congress of Texas, passed January 26th, 1839, as follows:

"Be it enacted, That the President of the Republic be, and he is hereby authorized and required to appoint a Surveyor and have surveyed on and from any of the vacant lands of this Republic, fifty leagues of land, which is to be set apart and is hereby appropriated for the establishment and endowment of two Universities, hereafter to be created; and that the President is hereby authorized to draw upon the Treasury of this Republic for such sum or sums of money as may be necessary for defraying the expenses to be incurred by locating and surveying said lands."

He then proceeded: This is where the idea of that "monstrosity" originated.—Those are the people with whom it had its origin. And I contend that we should be doing injustice to my section of the State, to take this land so set apart and appropriated for this express object to establish one University, either in the east or west. I will therefore offer an amendment to this section. I propose to strike out all that relates to that fifty leagues of land.

MR. EDWARDS: I would ask if the gentleman from Rusk has not learned that it was the intention of those who made this appropriation to set apart that amount of land for the endowment of two Colleges, one for the males, and the other for the females of the country?

MR. ROSS: Then the more heinous the offense; because you have robbed one of the sexes of the land appropriated for their benefit by the fathers of the country. I look upon this land as sacred

property, not to be touched for any purpose whatever, except that expressly designated by the framers of the act.

MR. POWELL: I ask if there is any clause in the bill that tends to deprive the females of the community of any portion of the advantages to be derived from that appropriation?

MR. ROSS: I say that this appropriation was made of these lands in 1839 by those who established this independent government. And I say too, that it is laying a sacriligious hand upon them, to take them now and divert them into any other channel. And I say I know that no amendment I ever offered has squinted that way at all.—I am perfectly willing, if the friends of this institution are willing to see it located in a proper and central position, to vote them a hundred leagues of land. But I am unwilling to lay my sacriligious hands upon those fifty leagues, because it was not so intended by those who made the appropriation. I therefore propose to strike out that fifty leagues of land, and in lieu of that to appropriate to this University every fiftieth instead of every hundredth section.

MR. ROSS offered the following substitute for the amendment:

Section 14: It shall be the duty of the Governor by and with the advice and consent of the Senate, to appoint three Commissioners, one of whom lives East of the Trinity river, one between the Trinity and Brazos rivers and one West of the Brazos whose duty it shall be to select and designate a site for said University, and in making said location they shall take into particular consideration the convenience of wood and water, and healthy locality, with convenience for communication in different directions; provided, that said location shall be situated between the Trinity and Brazos rivers, and between the 31st and 33rd degrees of north latitude, and make due return of the same to the Governor

After some remarks by Messrs Brown, Walling and others,

MR. LESUEUR moved to adjourn until 9½ o'clock, A. M. tomorrow; the yeas and nays being demanded, the House refused to adjourn by a vote of 22 yeas and 51 nays.

MR. POWELL moved to lay the substitute on the table.

MR. BEE moved the previous question.

MR. POAG moved to adjourn until 7 o'clock—lost.

On motion of MR. DOOM a call of the House was ordered.

MR. BURNETT moved to adjourn until 9 o'clock A. M., tomorrow—lost.

Absentees: Messrs. Baldwin, Bishop, Chilton, Crawford, Dalrymple, Evans of Austin, Harris of Titus, Henderson of Harris, Jennings, Johnson, Latham, McKenney of Hopkins, Reeves, Rogers, Witt and Wood.

MR. NORTON moved to send the Sergeant-at-Arms for absentees—lost.

MR. EVERETT moved to adjourn until 7 o'clock P. M.—lost.

MR. LESUEUR moved to adjourn until 8½ o'clock P. M.—lost.

MR. MCKINNEY of Travis, moved to suspend the call—lost.

MR. HENDERSON of Cass, moved to adjourn until 7¼ o'clock, P. M.—lost.

MR. FISHER moved to suspend the call—lost.

MR. BEE moved to adjourn until 7¼ o'clock—lost.

MR. DENNIS moved to send the Sergeant-at-Arms for absentees—lost.

MR. KINNEY moved to adjourn until 9¾ o'clock to-morrow, A. M.—lost.

On motion of MR. BEE, the Sergeant-at-Arms was dispatched for absent members.

On motion, the call was suspended.

MR. POWELL withdrew his motion to lay on the table.

MR. BEE withdrew his motion for the previous question.

The question recurring on the adoption of Mr. Ross's substitute.

The ayes and nays were called for,

MR. BROWN, when his name was called, said: While I vote against this substitute, I am in favor of locating the University within the bounds there designated. I so declared early in the session. But I do not think it best to adopt this amendment. I vote no.

MR. BUCKLEY: I vote No for the same reasons given by the gentleman from Galveston. (Mr. Brown.)

MR. CLEVELAND: In voting against this amendment I rise high above any sectional feeling. Knowing that it will have a tendency to kill the bill, if it is attached to it. I vote NO.

MR. CRAIG: To adopt that amendment would take this institution nearer perhaps to my residence. But for the same reason given by the gentleman last upon the floor, I vote NO.

MR. EVERETT: I think once before upon this question I declared that the people of Crookee county would sustain, cherish, and encourage one University, which should be located without reference to the accomodation of any particular section of the State. I thought so then, and I think so yet. Therefore I shall not NO.

MR. KITTRELL: Believing that however desirable the adoption of this amendment might be as a matter of compromise among the friends of the measure, it would yet render the bill doubtful in constitutionality, as embodying two objects, the bill proposing to endow a University, and the amendment to locate it; knowing the peculiar sentiments which our Governor entertains in regard to these matters, and fearing that it will defeat the measure, I shall be compelled to vote against it, while my inclination would prompt me to vote for it. I vote NO.

MR. MILLS: I am in favor of this University bill, and in favor of that amendment or substitute. But I prefer that this main question,

divested of all questions of locality, be presented to this Legislature for their decision. I say now to the opponents of this bill, and to the friends of the substitute, that when the question of locality comes up, I shall vote for the location of this institution within the bounds mentioned in that substitute. I vote NO.

MR. NORTON: The remarks of the gentleman from Madison (Mr. Kittrell) have convinced me of the propriety of my voting constitutionally in favor of that amendment. I vote AYE.

MR. AYCOCK: I deem that the region of the country where this institution ought to be located, and I do not see any constitutional objection to adding that feature to the bill. My sense of propriety, therefore, influences me to vote AYE.

The House refused to adopt the substitute by the following vote:

Yeas.—Messrs. Speaker, Aycock, Bishop, Burks, Burnett, Carroll, Collier, Doom, Gaston, Harris of Titus, Harrison, Hart, Johnson, Kirk, Lacy, Lewter, Lloyd, McKenney of Hopkins, Norton, Poag, Rainey, Reeves, Rhodes, Roberts, Ross, Scott, Shannon, Shelton, Waterhouse and Wood—31.

Nays.—Messrs. Barnard, Bee, Brown, Buckley, Chance, Cleveland, Clow, Cooley, Craig, Dennis, Evans of Austin, Evans of McLennan, Everett, Fisher, Hall, Hardeman, Harris of Guadalupe, Haynes of Starr, Haynes of Washington, Higgins, Howerton, Joseph, Kinney, Kittrell, Lee, McKinney of Travis, Merriman, Mills, Munson, Navarro, Powell, Price, Smith of Orange, Tait, Upshaw and Waelder—36.

The question then recurring on Mr. Rainey's amendment, the same was put and the House refused to adopt the amendment by the following vote:

Yeas.—Messrs. Speaker, Aycock, Bishop, Burks, Burnett, Carroll, Collier, Crook, Doom, Gaston, Harris of Titus, Harrison, Hart, Johnson, Kirk, Kittrell, Lacy, Lewter, Lloyd, McKenney of Hopkins, Norton, Poag, Rainey, Reeves, Rhodes, Roberts, Ross, Runnels, Scott, Walling, Waterhouse and Wood—34.

Nays.—Messrs. Barnard, Bee, Brown, Buckley, Chance, Cleveland, Cooley, Craig, Dennis, Edwards, Evans of Austin, Evans of McLennan, Everett, French, Hall, Hardeman, Harris of Guadalupe, Haynes of Starr, Haynes of Washington, Henderson of Cass, Higgins, Howerton, Joseph, Kinney, Lee, McKinney of Travis, Merriman, Mills, Munson, Navarro, Powell, Price, Smith of Orange, Tait, Upshaw and Waelder—38.

MR. DOOM proposed to amend as follows:

"Strike out 50 leagues appropriated by the Congress of Texas in 1839."

The House refused to adopt the amendment by a vote of 25 yeas to 43 nays.

MR. ROSS offered a substitute for the 12th Section, as follows:



"The administrators shall once in two years elect a Treasurer, who shall give bond in the sum of \$200,000 for the performance of his duty, approved by the President, and whose duty it shall be to collect and disburse the funds of the University, under the direction of the Board of Administrators."

The House refused to adopt the amendment by a vote of 25 yeas to 42 nays.

MR. LEWTER proposed the following as an additional section:

"And should such University be located East of the Trinity River, there shall be established West of the same, a literary college of equal rank and endowment with the literary department of the University. But if the University should be located West of said River, then such college shall be established East of the same."

The question being on the adoption of the amendment, the yeas and nays were called for,

MR. RAINEY said: I sincerely desire to vote for this bill, and I would like to see it so amended that I could vote for it.

I would vote for the bill, provided the House would accept an amendment locating the University as near the centre of population as possible. I would then heartily, cordially, most cheerfully and unreserved support it. Unless that is done I cannot vote for it; or unless the University is divided, or at least the matter so arranged, that if the main University is located in the West, then the East shall be entitled to a Literary Department, and *vice versa*, in either event I will vote for the measure.

Cries of—"Call the roll! call the roll!"

The House refused to adopt the amendment by the following vote:

Yeas—Messrs. Speaker, Bishop, Burnett, Chilton, Doom, Gaston, Harris of Titus, Harrison, Hart, Henderson of Cass, Jennings, Johnson, Lacy, Lloyd, McKenney of Hopkins, Norton, Rainey, Ross, Runnels, Walling, Waterhouse and Witt—23.

Nays—Messrs. Aycock, Barnard, Bee, Brown, Buckley, Chance, Cleveland, Clow, Cooley, Craig, Dalrymple, Dennis, Edwards, Evans of Austin, Evans of McLennan, Fisher, Everett, Hall, Hardeman, Harris of Guadalupe, Haynes of Starr, Haynes of Washington, Henderson of Harris, Higgins, Howerton, Joseph, Kinney, Kittrell, Latham, Lee, McKinney of Travis, Merriman, Mills, Navarro, Powell, Price, Reeves, Rhodes, Roberts, Rogers, Shannon, Smith of Fannin, Smith of Orange, Tait, Upshaw, Waelder and Wood—47.

MR. HART proposed a substitute for first section of the bill, submitting the question to the people at the next general election.

MR. EVANS of McLennan said: I ask if that is not conferring Legislative powers upon the people at the ballot box?

MR. HART: That is not the question. I want the vote taken on it; let every man decide for himself.

The Ayes and Nays being called, on reading the name of MR. BARNARD, he rose and said:

MR. SPEAKER, I deem it my duty at this time to explain the reasons for my vote. I have opposed this whole measure, firmly believing that it is not for the interests of the people, nor in accordance with their wishes. But, leaving the matter directly to them, we get an unmistakable expression of their sentiments; and their decision I will most cordially support.

I vote AYE.

MR. EVANS of McLennan, when his name was called, said: I do not vote against this substitute because I fear to submit this or any other question to the people. But I vote against it because it is an attempt to give Legislative powers to the people. I therefore vote NO.

After some remarks by Messrs. JENNINGS and others, lost by the Reporter in the confusion, Mr. Norton said: This substitute submits this question to the decision of the people. It was not one of the issues before the people in my district, nor was it, I believe, in the majority of the districts in the State of Texas. And the people being the supreme arbiters in all matters of this kind, I yield it to them most cheerfully. I am unwilling, for one, that this important question should be finally settled upon this floor. I have protested before against the decision of the question in this manner; and before I cast my vote now, I wish to say that my voice is in favor of submitting this matter to the people, the source of all political power, in opposition to all cliques, and the influences here brought to bear to build up institutions of this kind, after a large proportion of the representatives who compose this body have returned to their homes.

MR. REEVES: As I believe the Legislature is the only authority by which we can make laws, I vote NO.

MR. SHANNON: I am fully satisfied now that some of the members upon this floor are not willing to have the people decide upon matters of this kind. I am fully satisfied that the wisdom of this Legislature has determined that the people of Texas are not capable of deciding a matter in which they and every one of them are particularly interested. I am but a single representative. The people of my district, perhaps the largest in the State, are only represented by one individual, and for all of them I vote AYE.

The House refused to adopt the substitute by the following vote:

Yeas—Messrs. Barnard, Bishop, Burks, Burnett, Doom, Gaston, Harris of Titus, Harrison, Hart, Jennings, Johnson, Kirk, Lacy, Lewter, McKenney of Hopkins, Norton, Rainey, Rhodes, Ross, Shannon, Shelton, Walling, Waterhouse, Witt and Wood—25.

Nays—Messrs. Speaker, Aycock, Bee, Brown, Buckley, Chance, Cleveland, Clow, Cooley, Craig, Dalrymple, Dennis, Edwards, Evans

of Austin, Evans of McLennan, Everett, Fisher, French, Hall, Hardeman, Harris of Guadalupe, Haynes of Starr, Haynes of Washington, Henderson of Cass, Higgins, Howerton, Joseph, Kinney, Kittrell, Latham, Lee, McKinney of Travis, Merriman, Mills, Munson, Navarro, Poag, Powell, Price, Reeves, Rogers, Smith of Fannin, Smith of Orange, Tait, Upshaw and Waelder—47.

MR. WALLING moved to "strike out 25 leagues of the land heretofore set apart for the establishment of two Colleges, or University, by the Republic of Texas in the year 1839, and appropriate 30 leagues of the unappropriated Public domain of the State."

MR. WALLING said: If you are not willing to accept of that, won't I be convinced, and the world at large, that you do want to take our land, and give us no show at all? I want that recorded, that our countrymen may know what treatment we have received here.

The House refused to adopt the amendment.

MR. NORTON offered the following amendment: Amend section 9th, so as to read as follows:

"Sec. 9. Instruction at the University, and boarding, lodging, clothing and washing, and other necessary expenses of the student, shall be free."

The House refused to adopt the amendment by the following vote:

Yeas—Messrs. Barnard, Bishop, Burnett, Doom, Evans of McLennan, Gaston, Harris of Titus, Harrison, Hart, Johnson, Kirk, Lacy, LeSueur, Lewter, McKenney of Hopkins, Norton, Rainey, Reeves, Rhodes, Roberts, Ross, Shannon, Shelton, Walling, Waterhouse, Witt, and Wood.

Nays—Messrs. Aycock, Bee, Brown, Buckley, Burks, Carroll, Chance, Cleveland, Clow, Cooley, Craig, Dalrymple, Dennis, Edwards, Everett, Fisher, French, Hall, Hardeman, Harris of Guadalupe, Haynes of Washington, Henderson of Cass, Henderson of Harris, Higgins, Howerton, Joseph, Kinney, Kittrell, Latham, Lee, McKinney of Travis, Merriman, Mills, Munson, Navarro, Poag, Powell, Price, Rogers, Runnels, Smith of Fannin, Smith of Orange, Tait, Upshaw and Waelder—45.

MR. CHILTON moved to reconsider the vote by refusing to adopt the amendment of Mr. Walling; lost by the following vote:

Yeas—Messrs. Barnard, Bishop, Burnett, Doom, Gaston, Harris of Titus, Harrison, Hart, Johnson, Kirk, Lacy, LeSueur, Norton, Rainey, Reeves, Rhodes, Ross, Runnels, Shelton, Walling, Waterhouse and Wood—22.

Nays—Messrs. Speaker, Aycock, Bee, Brown, Buckley, Burks, Carroll, Chance, Cleveland, Cooley, Craig, Dalrymple, Dennis, Edwards, Evans of Austin, Everett, Fisher, French, Hall, Hardeman, Harris of Guadalupe, Haynes of Washington, Henderson of Cass, Higgins, Howerton, Joseph, Kinney, Kittrell, Latham, Lee, McKinney of Travis, Merriman, Mills, Munson, Navarro, Poag, Powell,

Price, Rogers, Shannon, Smith of Fannin, Smith of Orange, Tait, Upshaw, Waelder and Witt—46.

MR. WOOD offered the following amendment:

"The Treasurer of the State shall be required to give bond, with two or more sufficient sureties, to be approved by the Governor, in the sum of \$200,000, conditioned for the faithful performance of his duties as Treasurer of the University."

The House refused to adopt the amendment by the following vote:

Yeas—Messrs. Bishop, Burnett, Doom, Evans of McLennan, Harris of Titus, Harrison, Hart, Jennings, Johnson, Kirk, Lacy, LeSueur, Lewter, Lloyd, Norton, Poag, Rainey, Reeves, Rhodes, Roberts, Ross, Shannon, Shelton, Walling, Waterhouse, Witt and Wood—28.

Nays—Messrs. Barnard, Bee, Brown, Buckley, Burks, Chance, Cleveland, Collier, Craig, Dalrymple, Edwards, Evans of Austin, Everett, Fisher, Hall, Hardeman, Haynes of Starr, Haynes of Washington, Henderson of Cass, Henderson of Harris, Joseph, Kinney, Kittrell, Latham, Lee, McKinney of Travis, Merriman, Mills, Munson, Navarro, Powell, Price, Rogers, Smith of Fannin, Smith of Orange Tait, Upshaw and Waelder—40.

MR. HARRISON moved to amend by striking out \$100,000, and inserting \$50,000; lost.

MR. NORTON offered the following amendment:

Amend by striking out of the 4th section, "Surgery and Medicine," "Ethics," "the law of Nature, of Nations, and of Municipal law."

MR. NORTON said: That amendment strikes out of the bill the law and medical department. I make the motion with this view: If it is the determination of the members of this body to establish a University on a scale of this kind, I desire it to go forth that I for one am opposed to placing among the branches to be taught in the institution the sciences of Law, Medicine, and Surgery. I am unwilling at the expense of the State to manufacture lawyers and physicians, while those gentlemen are in the habit of making the people pay, and pay well, for attending their cases. I conceive it would be wrong to give them their professional education at the expense of the state.

The House refused to adopt the amendment.

MR. RHODES offered the following amendment:

"Sec. —. The said University shall be located at the city of Austin."

On motion of MR. PRICE, laid on the table.

The question being the passage of the bill to its third reading,

MR. DOOM said: I ask the House to indulge me for a moment. I only wish to appeal to the opponents of this bill, and ask them to cease their hostility, and let the vote be taken. I have done all I could do to defeat this project, and to satisfy my constituents. I



hope other gentlemen have done all they could, and that they will now consent to take the vote.

MR. NORTON: I wish to offer one more amendment, and the last.

MR. NORTON offered the following amendment:

Insert after "administrator" wherever it occurs, "or executors."

MR. ROBERTS said: I am one of those who believe that a majority should rule. I am fully satisfied that a large majority of this House are voting against my opinion and wish. But I feel it my duty to move the previous question on this bill.

The previous question was not seconded.

The House refused to adopt Mr. Norton's amendment.

The question recurring on the passage of the bill to a third reading, the ayes and nays were called for.

MR. BISHOP, when his name was called, said: I have been as anxious to see this measure succeed as anybody in this House. But the amendments which I conceived absolutely necessary have all been voted down, and in its present shape, I cannot conscientiously support this bill. I regret it, but I am compelled to vote no.

MR. JENNINGS:—Having intended, from the time I first heard this bill read, to vote for it, and in doing so, separating myself from most of the friends with whom I acted when the subject was up before, I beg the indulgence of the House while I state my reasons for pursuing this course. When this question was first sprung, the proposition had no more ardent and far-going friend than myself. I did not then design to offer any amendment to it. But when that amendment came up, its obvious justice to the portion of the country from which I come, its general propriety and consonance with every principle of right, commended it to me in the most decided terms, and I took such a part for it as my humble ability enabled me to do. But when the question was sprung again, and came from the Senate, it came in a shape in which it could interfere neither with my peculiar views nor those of any other member, or any person in the State of Texas, provided he was but a friend of the University. It comes here as a simple proposition to set apart a certain portion of the money in the Treasury, and a certain portion of the public lands of the State, for the purpose of establishing a University. It does not authorize one human being to touch a dollar of that money or an acre of that land, until the Legislature shall again convene in another session, or, in other words, until the power to touch them shall be communicated by another law, and that can only be done at another session.

Here followed some sentences lost by the Reporter.

MR. JENNINGS voted AYE.

MR. NORTON said: To set myself right on this question, I shall vote NO.

MR. RAINEY: I understand this bill to be on its third reading, and not its final passage. I wish to say here that I did not assist in calling the House for the purpose of opposing or obstructing the action of the House upon this measure. And as I believe that there is a considerable majority in favor of this bill, not being disposed to make anything like a factious opposition to it, I will vote AYE.

The bill passed to a third reading by the following vote:

Yeas—Messrs. Aycock, Bee, Brown, Buckley, Chance, Chilton, Cleveland, Clow, Cooley, Craig, Dalrymple, Dennis, Edwards, Evans of Austin, Evans of McLennan, Everett, Fisher, French, Hall, Harde-man, Harris of Guadalupe, Harris of Titus, Haynes of Starr, Haynes of Washington, Henderson of Cass, Henderson of Harris, Higgins, Howerton, Jennings, Johnson, Joseph, Kinney, Kittrell, Latham, Lee, McKinney of Travis, Merriman, Mills, Munson, Navarro, Powell, Price, Rainey, Rogers, Ross, Shelton, Smith of Fannin, Smith of Orange, Tait, Upshaw, Waelder and Witt—52.

Nays—Messrs. Speaker, Barnard, Bishop, Burnett, Doom, Gaston, Harrison, Hart, Kirk, Lacy, Lewter, Lloyd, Norton, Poag, Reeves, Rhodes, Roberts, Shannon, Walling and Waterhouse.—20.

MR. HENDERSON of Harris moved a suspension of the rule to put the bill on its final passage; lost by a vote of 52 yeas to 24 nays.

On motion, the House adjourned until 9½ o'clock A. M. to-morrow.

House, February 5, 1858; pp. 157-158

#### University

The University Bill being before the House,

MR. BURNETT said:—Mr. Speaker, I desire to submit a few remarks upon this question now before the House. I, sir, intend to record my vote against the bill; and I hope that the members upon this floor will indulge me for a few moments, that I may briefly state the considerations which influence my action.

I do not propose to enter into a lengthy discussion upon this question, nor do I wish to be understood as being opposed to the cause of education; far from it. But I feel, sir, that my course upon this important question will be endorsed by a majority of my constituents, as they believe in the old Democratic doctrine of equality. Special privileges to none, but equal privileges to all; and the greatest good to the greatest number. To those time-honored principles I have ever adhered. They are, sir, inscribed upon the banner that I bore to this capitol. And I think, Mr. Speaker, that we are acting hastily upon this matter. This question should be thoroughly canvassed before the people, and their voices should be heard; as they are the ones to furnish the money to build this University. And let me say to those gentlemen who favor the bill to establish

one mammoth State University, and who are in favor of appropriating such enormous amounts of money and domain, that they should consider it well. Our course upon this delicate and important question should be marked with due deliberation. Let us not put the cart before the horse. The old maxim is to teach a child how to crawl before it walks. Then, Mr. Speaker, let us first lay the foundation for the acquirement of the rudiments of knowledge. Let us place our common school system upon a firm basis before we vest our constituent's money and their domain in any enterprise of doubtful expediency. There is no subject, Mr. Speaker, in which the people of Texas have a deeper interest than in common schools. And we should be prompted in this matter by the highest impulse of duty, by our responsibility to our constituents and to the cause of human improvement. Let us heartily co-operate to place our common school system on a basis which cannot be shaken. Our school law is defective, and I profess not to be able to state the defect nor to suggest the remedy. But I know the object. The object is to place within the reach of every child in the broad limits of our State of sufficient age, the means of acquiring at least the rudiments of knowledge; and it is, Mr. Speaker, impossible for me to conceive of any other measure of State policy that so much deserves the fostering care of the Legislature as well as the encouragement and support of every citizen. We cannot over-estimate the importance of common schools as the means of civilizing our race, of developing the moral and intellectual powers with which man is endowed, and fitting him for his duty as a citizen and a member of society. The object is to bring into action the mass of talent which lies buried in poverty in our country for the want of means of development.

Another important advantage results from general education. An intelligent man is more valuable to society than an ignorant one; and the State that makes provision for universal instruction will find a certain and ample reward in the improved capacity for usefulness of its citizens and in the increase of wealth and prosperity. And, Mr. Speaker, there is another view of this subject that gives it peculiar importance to my mind. An overwhelming majority of our citizens are unfortunately poor, and there is *not* more than one-tenth man who is able to send sons to this University and pay their tuition and board.

And, sir, I for one am unwilling to appropriate the means of the remaining nine-tenths to the exclusive benefit of those best able to educate their own children. I think, Mr. Speaker, that it would be better for us to fall upon some plan to educate those who are not able to educate themselves, and thereby make them good and intel-

ligent voters and useful to society. This is essential to our freedom.

MR. KITTRELL said:—Mr. Speaker, I will ask the gentleman from Houston if we propose to take any of the school funds to build this University?

MR. BURNETT:—Well, Mr. Speaker, I suppose not. But you propose to take land which is equivalent. I will try and satisfy the gentleman before I get through. I will now come directly to the question before the House, and take a view of this magnificent University that we are about to build, with all of its lofty columns and its majestic dome. There are three questions that I have propounded to myself and pondered them well in my mind. 1st. what is it to cost? 2d. Where is it to be located? 3d. Who are to be the beneficiaries? The bill proposes to set apart \$100,000 and 442,800 acres of land to commence with. And, sir, will there not be applications made to every Legislature from now until time immemorial for more money to carry on this great enterprize? They will need a few more books, a few more teachers, and perhaps another addition to the House; and I ask will not this be the case as it has been in all public enterprises? But again, where is it to be located? In Austin, as a matter of course. But, Mr. Speaker, let me say to the friends of this bill, that I know of a better place at which to locate a University than Austin. I know of one of the best places in all Texas for a University. The best people that I ever got acquainted with are there; health and good water are there; good timber of all description is there, in fact every facility that would be necessary, is there. And it has ever been the will of kind Providence to bless that people with abundant subsistence. That place, Mr. Speaker, is Crockett, Houston county. Now, if the friends of this bill will conclude to locate it there, it might be some inducement for me to support the bill. But to the question—who, sir, is to be benefitted by this outlay? A privileged few, in the enjoyment of wealth and prosperity? Or the hard-working, barefooted, wool-hatted, copperas breeches, one gallowsed, double-fisted, road working and tax-paying masses? Are these the beneficiaries? If so, I will support the bill.

MR. BROWN said: Mr. Speaker, I desire to ask the gentleman from Houston a question.

MR. BURNETT:—Mr. Speaker, I don't wish to be interrupted. I will be through in a few minutes, and if the gentleman wishes to reply, he can then have an opportunity of doing so.

I ask, sir, if the children of the masses lack common school facilities? If so, had not the outlay for a University be better employed in furnishing those facilities—facilities within the reach of all, and which are needed by the very class of people, whom every



consideration of policy and benevolence requires to be correctly trained in intellect and morals to make good and intelligent citizens and voters? How many families, say out of 1,000, can afford to send sons to this University? Say 50; then, sir, shall the means of the remaining 950 be appropriated to the exclusive benefit of those best able to get along on their own resources? Will not such an institution smack strongly of special privileges—otherwise aristocracy?

And, sir, I see that a law and medical department are to be attached to this institution. I am opposed to our State manufacturing Doctors and Lawyers. God knows we have enough of them in the country, and a fair prospect of more of the same sort. A *law and medical department*; I ask if they are not professions by which men earn their living; are they not professions by which men earn their daily bread? So is shoe making; so is tailoring; so is printing, and so is blacksmithing. Why not a department for each of those? Why not a department for each and every art requiring study and practice? Why should the State educate the lawyers and not the blacksmith? Does not the blacksmith render more service to the country than the lawyer? I think so.

Again, sir, is not our State scantily populated, and will not the time come when a greater number and increased wealth will endow colleges, as Harvard, Brown, Trinity, Yale and Union, and a number of institutions of learning have sprung up as public necessity calls for them? Are we not premature about this University anyhow? Instead of a University with so many departments of learning, why not a State normal school, where the rudiments, elementary principles and more advanced sciences can be taught at State's cost, to young men and young ladies who design to make a profession of teaching, and who will ultimately make a University of every district school, *minus* the lofty *columns* and majestic dome? Let the University be for the universal scientific education of the masses. Let the common school system be the University in which the farmer on 40 acres can educate his sprightly barefooted son, as well as the rich man. Let a well informed people be the columns, and their aggregate respectability the dome of a University—deserving that appellation. With these I can defer the dome or Corinthian adornments to a period when wealth and taste can afford them without sacrifice of national interest, and when private enterprise and generosity will endow Colleges as in older communities has already been done. 1st. Make our common schools free to those that are not able to educate their children. 2d. Establish a State normal school to prepare teachers qualified to make every common school a miniature College or University.

House, February 7, 1858; pp. 73-75

## University Bill

On the final vote, Mr Speaker LOCKE, after his name was called, said:

Mr. Speaker, the subject before the House is one certainly of much importance to the State. It is important, sir, because of the amount of capital which it appropriates, if for no other purpose. And as the Bill proposes to dispose of some half a million dollars worth of valuable property belonging to the State, I feel like I could not let it become a law without making known a few of the reasons why I occupy the position I do, and have done, since its introduction.

And I will say, sir, that my first reason for opposing the establishment of a University at this time, and of this kind, is that I do not believe the people are ready for it. I am ready to shoulder responsibilities whenever it becomes necessary, but in this instance I do not believe it to be. Now, sir, what is the argument on the subject in proof of the position that it must be done immediately? Well, it is, that the land and money will be frittered away, and we will have nothing with which to build and endow, and therefore it must be done now. Well, Mr. Speaker, what comes next? The next sentence, from perhaps the same speaker, will embrace the idea and plan of appropriating the land and money, and then let the next Legislature establish and endow the school. Well now, sir, my ken is obtuse, I admit, but will some gentleman tell me how it will accomplish the object of setting apart the money and land, thereby enabling the next Legislature to construct it, if we do nothing but pass this bill? Sir, this bill does not designate any certain leagues of land except such as are already set apart; and, as to the money, there will be more than one hundred thousand dollars in U. S. Bonds left in the Treasury, and it cannot fritter away except when the Legislature is in session, if our officers are faithful, which none distrusts I presume. Then, sir, I want to know how the passage of this bill will do one particle of good towards saving the land and money for the establishment of a University.

But, sir, I have never heard this subject mooted in my county. We are all for schools, and we want schools adequate to the wants of the people; but we believe there, sir, that a school to be useful, should be adapted to the condition of those it is intended to benefit. We believe that as a Railroad constructed in and through a wilderness would be a burlesque upon internal improvements, so a University in a country where it was very difficult to organise and keep up high schools and seminaries which must form the basement story of all University superstructures, and without which I would

regard one as a misnomer, as destined to prove a mighty failure. I suppose that gentlemen supporting this bill do not expect to build it or make any more preliminary preparation than to pass the bill, and, this being the case, I say, sir, that the people of the State have not been consulted on the subject, and that inasmuch as it does not advance the school one day in advance of where it would be if not passed, nor does it answer any other valuable purpose connected with its establishment, but only shows that gentlemen are fearful of the verdict to be rendered by the people on the subject, I hope it will not pass. I say, sir, that the servant is not greater than the master.

But I confess, sir, that the strangest portion of this discussion has been upon the subject of locating the school. For instance, we see that every gentleman, I believe, who has spoken upon it, who is in favor of it, has declared his entire indifference as to the locality. The gentlemen from the extreme West, say they do not care if it is located upon the **Sabine**, and those for it from the East, are for it even on the bank of the Rio Grande, and so with those from the Gulf and Red River regions; and yet, strange to say, that those same gentlemen, with those liberal views, will not vote for the amendment offered by the gentleman from Anderson, some days ago, locating the school in the centre of the population of the State, near the point universally regarded as the central and the division line of the two Districts accessible, healthy and well supplied with all the necessary conveniences and essentials to carry on such an Institution. And what is the reason assigned for this strange course? Well, they say that if they locate the school that will kill the bill; and yet of those who are for it, none of them, care where it is located, and they are in a majority. And all of those who oppose the University, vote for the amendment; and I know several of whom will vote for the bill if it is located within these bounds, and who oppose it without. But there is another strange manoeuvre in this drama, which is this: ask these gentlemen privately, and they will candidly confess that each one, perhaps, has a place in his mind where he believes it will probably go, and no five members, perhaps, are in favor of the same point. Thus it is, sir, that we have the anomalous spectacle of some fifty gentlemen of rank, vigilance, dignity and ability, harmoniously co-operating together for the purpose of disappointing each other.

But, Mr. Speaker, I wish there was nothing else stranger in connection with this University question, and with the action of the House and the country upon this subject—for, sir, I will remark, that while the idea of locating is scouted by every gentleman with whom you meet, and almost scorned by the press of this city, yet, sir, every argument used in either branch of the Legislature,

in favor of the school, and its location in this latitude, is heralded forth by the press even in advance of pressing matter ordered to be printed by the Legislature. And, sir, I ask if it is within the power of any gentleman here to point to one argument which has been published in the city prints against the establishment of the same, or the Austin location. And I will here remark, that if the bill passes, and the school is located, (for I must be permitted to call things by common names, the greatness of which only exists in the fruitful imagination of its devotees, and which is only sustained by hyperbole and the most extended stretch of fancy's wide domain,) I say, sir, that if it passes, and is located anywhere within eighty miles of this place, I think I would vote for its location at Austin. And I will further say, that if there should be one University only, I would not ask for it East of the Trinity river, or within less than two hundred miles of my residence; no such consideration influences my vote or action.

Now, Mr. Speaker, I will briefly allude to the Constitutional question involved in the action of the House. The Constitution expressly says, that, "after a bill or resolution shall have been rejected in either branch of the Legislature, it shall not become a law during that session." Now let us enquire what action was had when this bill was last up. Well, sir, the House Chairman on Education, (Mr. Kittrell,) having had a resolution referred to his committee requesting action taken upon the subject of whether this Legislature would establish a University or not, reported that they had considered the subject, and the committee recommended the establishment of one, and only one, and they had asked that the House would settle this, as a preliminary step to the passage or preparation of the bill. Well, sir, the House, I say, rejected the proposition—or because the House amended the same by a clear majority, and declared in favor of two, and after making the proposition more acceptable (as all must see) than it was at first, it was rejected by a very decided vote of the House, which the Journals show. Now, Mr. Speaker, I wish to ask the friends of this bill a question, which is this: If this bill had been before this House in its present form, would you, one or any of you, have voted differently from the way you did when that proposition was before the House? I pause for a reply.

MR. BROWN: If that resolution had passed, would it not have been necessary to pass this or some other law to give it effect?

MR. LOCKE: Mr. Speaker, I answer, sir, that is in keeping with the rest of the procedure, it is playing upon technicalities. Sir, who does not know that if that proposition had have passed, the bill would have been immediately put through, for this bill contains the very quintessence of that proposition—that was the spirit and



the life of the bill, and this the torpid, insipid body. And may I not ask the gentleman from Galveston, or any other friend to the bill, will you not have to pass another bill after you shall have passed this one, (for I suspect you will,) before you have a University?

But, sir, it seems to me that if the framers of the Constitution had made this provision of the Constitution to prevent wrong, and had the attitude of this Legislature in view, they could not have framed a provision more appropriate. Sir, if the House was full, no gentleman, friend or foe of the bill, believes it could pass—but, sir, since some of its most staunch and able opponents have left, resting satisfied that under their constitutional guarantees they could not be imposed upon—now, upon the heel of the session, with but a few more than a quorum, this matter is raised, and the bill, I suppose, passed.

I will now address myself for one moment to the point of order before the House, (when I came down to the floor,) whether a member has a right to excuse himself or not from voting on a question, provided he believes the same to be in violation of the Constitution. In the first place, sir, I will say, that if you concede that a member has that right, you give to some eighteen or twenty members of the House, the power to defeat any bill that may come up. Nor is the principle different to that of allowing each member to judge for himself as to when it is proper for him to vote upon any proposition that may arise; both of which hypotheses are in contravention of both the Constitution (in spirit) and the printed laws of this House, (or Rules). The Constitution says that each House shall adopt rules for its own government; and it says that the ayes and noes shall be taken upon any question, if called for by any three members present; and the rules of this House declare, that every member shall vote when his name is called, unless he is excused, for special reasons, by a majority of the members. I conclude, sir, that there is the sin of omission—one which in this, as in other cases, proves as fatal as that of commission—and as the Constitution says such bills shall not become a law, I am equally culpable if I refuse to vote as if I vote for it.

I wish now, Mr. Speaker, to address myself to one more feature of this bill, and I close very soon thereafter.

In this bill you provide, sir, for what? Well, for permanently instructing the young men of the country in Political Economy. I regard this as being important, provided, after they were instructed, they would not do as some of the most conspicuous movers in this scheme have done, pay no regard to political economy after having learned it. And I must regret that this school, if it effects any good, had not been inaugurated in time for us to have

realized benefit during this session. But what else? Well, Geology, Physic, and the Law, with a few other branches (to make it acceptable as I suppose). Now, sir, I want every profession and occupation in the State to share equally in the benefits dispensed by the State. And I tell you, sir, and through you I wish to say to the House, that the Taxes of this State, at a proportion of about eight to two, are paid in by the agricultural interests of the State. And, without elaborating this argument, as I could do, at length, I desire to call the attention of the House to the fact that the agricultural interest does not need this University as the professions do; nor will the Farmers or Planters of the State avail themselves of its benefits, but the information which they most appreciate they can and will receive, at much less expense, nearer home and in schools more practical and better adapted to their conditions and unostentatious manners. Well, now, sir, these facts being admitted, I wish to know, in a government like ours, as descendants of those who, at Bunker's Hill, at Concord and York Town, sealed with their blood the word that Taxation and Representation should go together—I ask if we will erect a monopoly by this bill, paid for and to be kept up mainly by taxation to be collected from the pockets of a class who will relize not more than one to six per cent. of its benefits.

And just here, sir, I will allude to a fact over which I have pondered and lamented, and it is this: That by our legislation we are encouraging a principle and system which has considerably lowered the occupation, upon the success of which every other interest depends. That we offer bids for young men to desert that, most of all other occupations, most honorable, if not so conspicuous. To prove this position I could spend hours instancing facts, but I will allude to one or two which stand in bold array; and after this bill I will allude to the very liberal, not to say extravagant, legislation in raising the salaries of the various officers of the State Government, which is no more nor less than raising the fees of certain professions which must fill these positions. But this would be more tolerable but for the fact that after largely increasing the amount of salary, at this session of the Legislature, we proceed to give the same individuals, (I allude mainly to the District Judges,) much less to do; and thus, sir, for mere nominal service, in different Districts of the State, you pay the exorbitant price of as high as \$25.00 per day in some cases. I mean, sir, for the days they are actually engaged.

It will be recollected, sir, in further proof this position, that, not many days since, when a law was pending before this House, pertaining to deceased estates, that by certain provisions of that act, the Clerk, the Justices, and the Administrators or Executors were

all restricted to so much, and no more, for their services. In every case their duty was so well defined that they could not deceive any one, but when by an amendment offered by the distinguished gentleman from Fort Bend, (be it said to his credit,) we propose to let the Chief Justice judge of the reasonableness of the Attorney's fees, and there was a very decided and clamorous opposition given to it, and that by gentlemen who were clamorous to restrain all others from imposing upon the sable costume and weeping widow, with her ragged and distressed orphans. I could mention different laws, sir, upon your statutes, which will tend to produce the very effect I have mentioned. Well, sir, this being the case, all that is necessary now for a young gentleman to do, is to attach himself to one of the learned professions, and he is, by common consent, sanctified for purposes too noble to be found pushing a jack plane, standing over a blacksmith's anvil, or following the plow. And the reason, I apprehend, why more were not following those professions was, it cost them a larger sum than many could raise; but now, sir, we already have the law giving these preference rights, and offering inducements to young men to part company with the class which makes and supports all other classes—the class which moves the arm, which mans the lever, which turns the axle on which the car of prosperity rides. And having the laws to encourage, and only lacking an opportunity for our fast young Americans to stride forth, this bill is just suited for the purpose, and now, sir, we can manufacture fast young men by the dozen. I am not speaking of nor on this subject because I feel the least opposition to any man's profession or section, but I am giving my unvarnished opinion on this subject in some of its varied bearings.

I will simply allude to one more objection to the bill, and that is, sir, this bill incorporates the State system, to which I have always been opposed. And I will state that the main argument used against the State system for constructing works of Internal Improvements, was, that in all cases of profit the agent or official gets the surplus, incidental and contingent amounts; while in all cases of loss, mishap or injury, the State alone was responsible; and it requires no sagacity to see, that this system for keeping up a University would be liable to the same objection.

Mr. Speaker, I hope no opponent of the bill will endeavor to defeat it by parliamentary tactics. Sir, I do not feel authorized to use legislative device to defeat any bill, and more especially when a fair discussion and full investigation has been had.

Sir, I vote NO, and am done.

House, February 8, 1858; pp. 198

State University.

The bill relating to a State University came up. Question pending, the final passage of the bill.

The ayes and nays were called.

Several members asked to be excused from voting. The House refusing to excuse, some of them declined to vote.

A discussion ensued in relation to points of order, and the mode of enforcing the rules, in which Mr. Speaker LOCKE, Messrs. BEE, KITTRELL, WALLING, REEVES, LATHAM and others, participated.

The Clerk finally preceding with the call, MR. POAG, when his name was called, after giving his views in regard to the history of the previous action of the House upon the subject, and the present position of the question, concluded as follows:

Now there is in our Constitution a regulation which declares, that when any proposition has been once distinctly put to a Legislature and rejected, that Legislature is forbidden to act upon that particular proposition again. And it makes no difference to me how it may be changed, if it embraces the substance of the proposition which has been rejected. I feel it my bounden duty to obey this provision of the Constitution. I have no conscientious scruples to prevent me from voting upon this question. I feel as much bound to vote against the passage of a law which I regard as unconstitutional, in consequence of the previous action of the Legislature, as I would feel myself bound to vote for a law which I regarded as constitutional, and for the benefit of my constituents and the State at large.

For these reasons I vote against the whole matter.

MR. RAINEY: On account of the constitutional objections urged by the gentleman from Panola, (Mr. Poag,) because a resolution upon the same subject, and embracing the same substance, has been rejected heretofore by this body, and the constitution prohibiting the passage of a law, bill, or resolution that has been once rejected by either branch of the Legislature, I do not believe we now have a right to act upon it—and, because, although I have been very anxious to vote for a bill of this character in some shape, the bill now before the House does not meet my approbation, without any further excuse or attempt at palliation or mitigation, or any thing else, I vote NO.

MR. REEVES: I ask to be excused from voting, not upon the grounds which have been stated by any other gentleman, but under the 60th Rule, which says that no member shall vote upon any question, in the event of which he is immediately or particularly interested. I feel that I am particularly interested in this matter, and I wish to be excused under the rule.



The House refusing to excuse him, he proceeded:

I always submit cheerfully to whatever the House says. But I do say that I believe this body has once acted upon the same question, and that if we were to pass it now, under the Constitution it could not become a law. I therefore vote NO.

MR. WATERHOUSE made some remarks inaudible to the Reporter. He said he believed this bill would have been as unconstitutional, if presented for the first time, as it was under the present circumstances. He would therefore vot NO.

After the roll had been called through, Mr. Speaker LOCKE said:

The chair is informed that we lack one of a quorum. I do hope that gentlemen will not assume the responsibility of defeating this measure by refusing to vote. It is a *fearful* responsibility to take.

MR. LATHAM: I call for an announcement of those who have refused to vote.

MR. CHILTON: I am about to do a thing which I am not satisfied that I am right in doing. But I believe we were sent here to live for each other; and my friends are directly interested in the passage of the bill at this time. I have fought it as long as I could in accordance with my convictions of duty. But as it is evident there is a large and respectable majority of this House in favor of this legislation, and by recording my vote NO, I put myself right upon the record, I will do so. I vote NO.

The bill passed by a vote of 48 yeas to 13 nays.

## GENERAL LAWS

O. B. 102, Chapter 116, pp. 148-151; G. 4, pp. 1020-1023.

### AN ACT to establish the University of Texas

Whereas, From the earliest times, it has been the cherished design of the people of the Republic and of the State of Texas, that there shall be established, within her limits, an Institution of learning, for the instruction of the youths of the land in the higher branches of learning, and in the liberal arts and sciences, and to be so endowed, supported and maintained, as to place within the reach of our people, whether rich or poor, the opportunity of conferring upon the sons of the State, a thorough education, and as a means whereby the attachment of the young men of the State to the interest, the institution, the rights of the State, and the liberties of the people, might be encouraged and increased, and to this end, hitherto liberal appropriations of the public domain have been made; and,

Whereas, The increasing population and wealth of the State, and the tendency of events, indicate the fitness of now putting that cherished design in effect, therefore,

Section 1. Be it enacted by the Legislature of the State of Texas, That there is hereby established, within this State, an institution of learning, to be styled "The University of Texas," to be located at such place and in such manner as may be determined by law.

Sec. 2. The sum of one hundred thousand dollars of the United States bonds in the Treasury not otherwise appropriated, is hereby set apart and appropriated to the establishment and maintenance of the same. The fifty leagues of land, which, by the Act of January 26, 1839, entitled "An Act appropriating certain lands for the establishment of a general system of education," were set apart and appropriated for the establishment and endowment of two Colleges or Universities, are hereby set apart and appropriated to the establishment and maintenance of the University of Texas. There is hereby set apart and appropriated to the same purpose, one section of land out of every ten sections of land which have heretofore been, or may hereafter be surveyed and reserved for the use of the State, under the provisions of the Act of January 30, 1854, entitled "An Act to encourage the construction of railroads in Texas by donations of land," and under the provisions of any general or special law heretofore passed, granting lands to railroad companies, and under the provisions of the Act of February 11, 1854, granting lands to the Galveston and Brazos Navigation Company. The Governor of the State shall select the sections hereby appropriated, so that no sections selected shall adjoin, out of the lands now surveyed, as soon as practicable, and out of the lands hereafter to be surveyed, as soon thereafter as practicable, and shall cause a record to be made, in the Land Office of the State, of the sections so selected; and, thereupon, it shall be the duty of the Commissioner of the General Land Office to designate, upon the maps, the sections so selected as University lands. The sale of these sections shall hereafter be regulated by special law.

Sec. 3. The control, management and supervision, of the University, and the care and preservation of its property, subject always to the control of the legislature, is committed to a Board of ten persons, to be styled "The Administrators of the University of Texas," which shall be composed of the Governor of the State of Texas, the Chief Justice of the Supreme Court of Texas, and eight others, who shall be appointed by the Governor, by and with the consent of the Senate, to hold office for four years, and until their successors are qualified. The Administrators shall receive no compensation for their services.

Sec. 4. The following branches of learning shall be taught at the University, viz: Ancient and Modern Languages, the different branches of Mathematics, pure and physical, Natural Philosophy, Chemistry, Mineralogy, including Geology, the principles of Agriculture, Botany, Anatomy, Surgery and Medicine, Zoology, His-

tory, Ethics, Rhetoric and Belles-Letters, Civil Government, Political Economy, the Law of Nature, of Nations, and Municipal Law.

Sec. 5. The religious tenet of any person shall not be made a condition of admission to any privilege or office in the University; nor shall any course of religious instruction be taught or allowed, of a sectarian character and tendency.

Sec. 6. The Administrators shall have the power to appoint the President, Faculty, Instructors, and Officers, of the University, and prescribe the course of instruction and discipline to be observed, in the University. They shall fix the salaries of the President, Faculty, Instructors, and Officers of the University. Five of the Administrators, with the Governor or the Chief Justice, lawfully convened, shall be a quorum for the transaction of business. They shall meet at least once in every year, for the transaction of business, and shall keep a record of their proceedings. They shall have a Secretary, to be elected by them. They shall have power to make all regulations, which, to them, shall seem expedient for carrying into effect the design contemplated by the establishment of this University, not inconsistent with the laws of the State.

Sec. 7. The Administrators shall have the right of conferring, on any person whom they think worthy thereof, all literary honors and degrees known and usually granted by any University or College in the United States or elsewhere.

Sec. 8. The Administrators shall report to the Legislature, at each session, the situation of the affairs of the University.

Sec. 9. Instruction at the University shall be free, and the Administrators shall prescribe what degree of proficiencies shall entitle students to admission.

Sec. 10. A committee, to be appointed by the Legislature at each session, shall attend the annual examinations of the students of the University, and report to the Legislature thereon.

Sec. 11. The reasonable expenses incurred by the Administrators and visiting committee, in the discharge of their duties, shall be paid out of the funds of the University.

Sec. 12. The Treasurer of the State shall be Treasurer of the University funds.

Sec. 13. So soon as the location of the University is determined upon, it shall be the duty of the Administrators to proceed to the construction of the necessary buildings, and for that purpose, shall procure the services of a competent architect, who shall superintend the work: such plan and design for the building shall be adopted, as shall be consistent with the addition of wings or other structures hereafter, without marring the architectural beauty and fitness of the whole. There shall be constructed suitable buildings for the accomodation of the Professors and their families. The contracts for

the buildings shall require the performance of the work under ample security for its fitness and faithfulness.

Sec. 14. The expenditures of the University, for the construction of buildings, or otherwise, shall be made under the order of the Administrators; and when money is required for the payment of the same, it shall be drawn upon the warrant of the Governor, countersigned by the Secretary, upon the Treasurer, who shall pay the same out of the University funds. And this Act shall take effect and be in force from and after its passage.

Approved February 11, 1858.

## **EIGHTH LEGISLATURE, REGULAR SESSION, NOVEMBER 7, 1859, TO FEBRUARY 13, 1860**

### **MESSAGE OF GOVERNOR SAM HOUSTON**

January 13, 1860; H. J. p. 393, p. 395; S. J. p. 270; p. 272

The \$2,000,000 set apart for the school fund yet remains, but the balance of the \$5,000,000, received from the sale of our Santa Fe territory to the United States is exhausted, except the amount set apart for the University fund, amounting to \$106,972.26 and the balance mentioned of \$411,402.69, belonging to the general fund.

I would also commend to your consideration the importance of extending a reasonable aid to institutions of learning, now in operation in our State, supported by private enterprise, and to encourage by a general law the establishment of others. Our citizens have already displayed much zeal and enterprise in rearing up in our midst institutions which are accomplishing great good, to sustain these is difficult, and as the benefits arising from these are to be felt in the general prosperity of the State, and the intelligence of its entire people, a proper encouragement at the hands of the Legislature should be extended. Surrounded by proper guards a measure of this character would be productive of great good.

The establishment of a University, is, in my opinion, a matter alone for the future. At this time it is neither expedient, nor is it good policy to provide for the sale of those lands set apart for the University fund. If, at some future period it should be deemed expedient, or in keeping with a more enlarged policy, to devote our entire energies to a more general diffusion of knowledge than a University would afford, or even if the voice of the State should demand the establishment of one these lands will then provide the means of advancing the cause of education. When that period arrives, their value will be greatly increased. If sold now, but little will be real-



ized from them, and before the expiration of twenty years—the time upon which over fifty thousand acres would have been sold—the lands will be worth more than three-fold the amount they would bring now, with accumulated interest.

So far as the one hundred thousand dollars of bonds, and their interest, taken from the general and applied to the University fund, by the last Legislature, are concerned, I believe the condition of the treasury and our immediate necessities demand that the act be repealed, and the money again placed subject to appropriation. We need money for the protection of our frontier, and to save us from taxation, more than for a fund which promises no immediate benefit. Our common school fund already provides for the education contemplated by the Constitution, and if this amount, thus unnecessarily withdrawn from the general fund, will reduce the burthens of taxation, the people will be better able, in the future, to bear taxation to support a University, if one should be necessary.

#### PROCEEDINGS IN THE LEGISLATURE

H. B. 22. By Mr. Armstrong.

To establish two universities of the State of Texas.

Died in Committee. H. J. pp. 82, 117.

H. B. 53. By Mr. Taylor.

To supplement the act authorizing the sale of University land, H. J. p. 149, 166, 258.

H. B. 86. By Mr. Taylor.

To relieve the purchasers of University lands.

H. J. pp. 63, 112, 135, 140, 223, 245; S. J. pp. 86, 87, 127, 130, 134, 308. Vetoed by Governor Sam Houston. January 9, 1860; H. J. pp. 349-351.

I herewith return to the House, in which it originated, "an act to authorize the Governor to postpone the sale of University lands that have been forfeited for non-payment of the annual installment required by law."

The Executive can see no reason for any grant of indulgence to the purchasers. No petition or papers accompany the act and he is left to infer from the conditions of the sale of the University lands, that they were purchased from the State upon speculation; and this being the case, he would deem it impolitic, unwise and detrimental to the public interest, to extend the time for payment of the installment a single day. If the principle of indulgence be once inaugurated, it would only be an invitation to the purchasers at subsequent sessions of the Legislature, to petition for further indulgence. If this act embraced any general principle, the case would be differ-

ent; but, as it bears the aspect of class legislation, or special legislation, the Executive cannot sanction either. Had it a general application to purchasers of small tracts of the public domain for homesteads, who had been prevented from complying with their contracts on account of the State or General Government not having furnished adequate protection, the plea for indulgence might be urged with some claim to consideration. I can see no reason for the extension contemplated by the act. Hence the approval of the Executive is withheld.

The Executive would respectfully suggest, however, that if the parties desiring relief, choose to relinquish to the State, the lands purchased by them, they be permitted to do so and their obligations canceled.

Mr. Haynes moved to lay the message on the table. Lost by the following vote:

YEAS—Messrs. Speaker, Baxter, Benevides, Camp, Davis of B., Epperson, Hall, Hartley, Haynes, Henry, Manly, Martin, McCutchan, Mills, Munson, Nelson, Perry, Shelton, Stewart, Waelder and Warfield—21.

NAYS—Messrs. Anderson, Armstrong, Bogart, Branch, Bryan, Buckley, Craig, Crawford, Clark, Culberson, Cumby, Dale, Davis of H., Dennis, Dickson, Dougherty, Duncan, Ellett, Flewellen, Francis, Franklin, Foscue, Harrison of C., Harrison of V. Z., Henderson, Houghton, Hubbard, Lewis of M., Lewis of R., Lewter, Lynch, Mabry, Maverick, Maxey, McKnight, Undine, Norton, Parker, Redgate, Redwine, Robinson, Ross, Shannon, Short, Smith, Speights, Townes, Walworth, Waterhouse, Whitfield, Whitmore, Wortham and Wrede—53.

Mr. Norton moved to postpone a consideration of the matter until the first of February. Lost.

The question recurring upon the final passage of the bill notwithstanding the veto of the Governor.

Mr. Norton moved a call of the House, which was lost, and the House refused to pass the bill by the following vote:

YEAS—Messrs. Benevidas, Bogart, Bryan, Buckley, Camp, Clark, Culberson, Dale, Duncan, Ellett, Epperson, Flewellen, Harrison of V. Z., Hartley, Haynes, Henry, Hubbard, Manly, McCutchan, Middleton, Mills, Munson, Nelson, Norton, Owens, Parker, Perry, Shannon, Smith, Townes, Waelder, Walworth, Warfield, Wortham and Wrede—38.

NAYS—Messrs. Speaker, Anderson, Armstrong, Baxter, Branch, Craig, Crawford, Cumby, Davis of B., Davis of H., Dennis, Dickson, Dougherty, Francis, Franklin, Foscue, Hall, Harrison of C., Henderson, Houghton, Lewis of M., Lewis of R., Lewter, Lynch, Mabry, Maverick, McClarty, McKnight, Pirkey, Redgate, Redwine, Robin-

son, Ross, Shelton, Short, Speights, Stewart, Waterhouse, Whitfield and Whitmore—40.

Mr. Dougherty moved to reconsider the vote refusing to pass the bill vetoed by the Governor, and to postpone it till February the first.

On motion of Mr. Henderson the motion was laid on the table.

H. B. 193. By Mr. Culberson.

To repeal the act of February 11, 1858, establishing the University of Texas.

Passed House 52 to 20. H. J. pp. 17, 252, 293, 295, 325, 345, 522, 537, 538, 548; S. J. pp. 415, 437, 455, 459, 569.

Adversely reported by Committee. Minority report. S. J. p. 569.

Report of Minority: To Hon. Edward Clark, President of Senate: The undersigned, comprising a minority of the committee on Education, to which was referred the bill passed by the House of Representatives, repealing an act to establish the University of Texas, approved February 11th, 1858, having had the same under consideration and dissenting from the report of the majority recommend the passage of said bill.

Since the passage of the act of the last session creating a State University, the subject has been thoroughly discussed by the people of the State, and they have, in our opinion, declared in favor of its repeal. This sentiment has been carried out by the Representatives in the popular branch of the Legislature, who are fresh from the people, by a vote of fifty-two to twenty.

Without detailed argument of the subject, we desire to carry out the will of the people, and therefore recommend the passage of the bill.

Respectfully submitted,

D. M. WHALEY.

M. D. HART.

S. B. 2. By Mr. Erath.

To authorize the use of the United States bonds belonging to the University for frontier protection.

Became a law. S. J. pp. 302, 315, 341, 376; H. J. pp. 513, 558.

S. B. —. By Mr. Throckmorton.

To appoint agents to receive the money due from the sale of university lands.

Failed in Senate 18 to 10. S. J. pp. 113, 122, 123, 136.

S. B. 170. By Mr. Throckmorton.

To make an appropriation for selling the University lands.

Became a law. S. J. pp. 259, 314, 321, 333, 402; H. J. pp. 481, 526, 558.

S. B. 280. By Mr. Spann.

To authorize the Governor to postpone the sale of University lands that have been forfeited for the non-payment of annual installments.

S. J. pp. 183, 213; H. J. p. 305.

#### GENERAL LAWS

S. B. 2, Ch. 32, pp. 29-30. G. 4, pp. 1391-1392.

AN ACT to authorize the use of the United States Bonds, set apart to the University of Texas, to meet appropriations made for frontier defence.

Section 1. *Be it enacted by the Legislature of the State of Texas,* That the sum of one hundred thousand dollars in United States bonds with the interest which has heretofore accrued, or which may hereafter accrue upon the same, set apart and appropriated for the establishment and maintenance of the University of Texas, by "an act to establish the University of Texas," approved February 11, 1858, may be used at any time during the next two years, to meet any appropriations made by law, for frontier defence; provided the current revenue be insufficient to meet such appropriations, as they are required to be disbursed, and provided further that in case it should be necessary to use said bonds and interest, or any part of the same, the amount so used, shall be replaced to meet the appropriation made by said act of 11th February, 1858, to establish said University, so soon as the amount, so used, or any part of the same may come into the Treasury, from current revenue or from any other source, not appropriated or set apart for any other use. The amount so used, to be paid back to the University fund, without interest.

Sec. 2. That the said United States bonds may be disposed of, if required to comply with the provisions of this act, in the manner other United States bonds are or may be disposed of by any law now existing or which may be hereafter passed.

Approved January 31, 1860.

S. B. 170, Ch. 39, p. 35. G. 3, p. 1397

AN ACT making an appropriation to defray the expenses of selling the University lands

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That the sum of seventeen hundred and sixteen and forty-five hundredth dollars, or so much thereof as may be necessary, be and the same is hereby appropriated out of the proceeds of the sales of the University lands, now in the Treasury, to pay the Commis-



sioner appointed by the Governor for selling the University lands, and for advertising the sale of said lands.

Approved February 2, 1860.

**EIGHTH LEGISLATURE, CALLED AND ADJOURNED  
CALLED SESSIONS, JANUARY 21 TO FEBRUARY  
9, 1861; MARCH 18 TO APRIL 9, 1861**

**MESSAGES OF GOVERNOR SAM HOUSTON**

**January 21, 1861; H. J. pp. 14-15; S. J. p. 10**

The Executive, to support and render efficient the force which he had from time to time in the field, has had no money at his command, except the University Fund amounting to \$106,992.26, which was by special act of the legislature authorized to be used for purposes of Frontier defense. It was his opinion that the Legislature intended that this fund should be used alone for the defense of the Indian frontier, and not for the payment of claims on account of the war upon the Rio Grande. The troubles upon the Rio Grande, although speedily settled after the arrival of the Commissioner sent by the Executive, cost the State an amount far beyond the estimate of the Legislature, and when claims were presented for supplies furnished troops, the Executive did not believe the money should be drawn from the University Fund, and expressed his views in that respect to the Comptroller. That fund was the sole dependence of the Executive for the purchase of supplies to keep troops in the field. A considerable sum was paid, however, from the fund for debts contracted during the Rio Grande war. This reduced the amount which (otherwise) might be used to defend the frontier to \$76,937.73 which has been exhausted. \* \* \* \* Finding that it was impossible to purchase any adequate amount of supplies on the credit of the State, the Executive in two communications dated the 8th of November and 7th of January, suggested to the State Treasurer the propriety of using for purposes of frontier defence the amount in the Treasury on account of University Land sales, but the opinion of that officer, C. H. Randolph, was averse to the proposition and that fund amounting to \$34,708.14 still remains in the treasury.

**February 5, 1861; H. J., p. 100; S. J., p. 78**

"By the Treasurer's Report, received on the 2d inst., it appears that there was then in the Treasury, subject to disbursement on account of State Revenue, \$5,279.60. The Legislature has already appropriated \$9,768.62 of the fund arising from University Land sales, and \$17,313.30 of the fund accumulating from estates of deceased persons, for the per diem and the mileage of its members, and it has only been by the use of these funds that the Treas-

ury has been spared thus far from entire bankruptcy. The amount on hand will be exhausted before the termination of the present week, when there must be a suspension of specie payments altogether."

## PROCEEDINGS IN THE LEGISLATURE

H. B. 2. By Mr. Stewart.

To apply certain funds now in the Treasury arising from the sale of University lands to pay the mileage and per diem of the members.

Became a law. H. J. p. 42.

"The University not being likely to go into operation, your committee are of the opinion that the fund might be used by the State and replaced from the State revenue, whenever the University shall be put into operation."

By Mr. Grimes, Chairman of Committee on Finance. S. J. p. 48.

H. B. 51. By Mr. Shannon.

To provide for the protection of the frontier out of the United States bonds in the University fund. H. J. p. 43; S. J. p. 42, 52, 54.

Replaced by H. B. 2.

S. B. 2. By Mr. Throckmorton.

To appropriate the money arising from the sale of University lands for the purchase of supplies and ammunitions for the troops on the frontier.

Became a law. S. J. p. 38, 42, 48, 52, 54.

## GENERAL LAWS

H. B. 2; Ch. 5, pp. 6-7; G. 5, pp. 342-343

*AN ACT directing how certain funds now in the treasury shall be applied.*

SECTION 1. *Be it enacted by the Legislature of the State of Texas, That nine thousand seven hundred and sixty-eight dollars and sixty-two cents in specie, being part of the proceeds of the sale of the University lands, now in the Treasury; and also the amount of seventeen thousand three hundred and thirteen dollars and thirty cents, being the fund accumulated from deceased estates, in specie, now in the Treasury, shall be applied to the payment of the mileage and per diem pay of the Members, and the per diem pay of the Officers, of the present extra session of the Eighth Legislature, and the contingent expenses of the same; provided the amount disbursed under this act shall be hereinafter replaced to the University fund, and the fund for decedents estates, so soon as the amounts so used, or any part thereof, may*

come into the Treasury from current revenue, not appropriated or set apart for any other use.

Approved January 29, 1861.

S. B. 2, Ch. 19; p. 17. G. 5, p. 353

*AN ACT making an appropriation to pay for supplies furnished troops now on the frontier.*

SECTION 1. *Be it enacted by the Legislature of the State of Texas.* That the sum of twenty-five thousand dollars, or so much thereof as may be necessary, be and the same is hereby appropriated to pay for supplies furnished, and to purchase supplies for the troops now on the frontier, which appropriation shall be paid out of the United States bonds now in the Treasury, arising from the sales of the University lands; the said bonds to be paid out at their common market value, and the amount paid shall become a charge against the State, and be returned to the University fund without interest whenever the condition of the Treasury will allow the same to be done.

Approved Feb. 8, 1861.

Ch. 23; p. 19; G. 5, p. 355

*AN ACT authorizing Treasury Warrants to be received in payment of certain dues.*

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That the Comptroller and Treasurer shall receive Treasury Warrants for money in settlement with any individual indebted to the State, for lands under the different pre-emption laws, or laws authorizing the sale of University lands, or laws providing for the sale of the public domain. Provided, that the Comptroller and Treasurer shall transfer to the credit of the University and common school fund such warrants as may be received in payment for lands appropriated for the university and for common schools, respectively. Which said warrants shall be paid out of any money in the Treasury not necessary to pay other appropriations.

Sec. 2. The Board of School Commissioners are hereby authorized to receive Treasury Warrants in payments of the two per cent. for a sinking fund, payable by railroad companies in whose bonds the special school fund has been, or may hereafter be invested; and said warrants shall be held for the credit of said special school fund in like manner as provided by law for the investment of said sinking fund in State stocks.

Sec. 3. Where Treasury Warrants are tendered under the provisions of this act in payment of any indebtedness, the interest shall be computed and allowed, and where the warrants exceed the indebtedness, the holder shall be entitled to a warrant for the residue.

Approved February 9, 1861.

[Under this act \$12,230.39 was received in treasury warrants and apparently (See also O. B. 46, Tenth Legislature) \$114,804.48 in Confederate Notes: these sums were lost permanently to the University Permanent Fund as a consequence of Ordinance 2, Convention of 1866.]

Ch. 51; pp. 39-40; G5., pp. 375-376

*AN ACT authorizing a loan and imposing a specific tax, to meet the principal and interest thereof, under the provisions of the 33rd section of the 7th article of the Constitution of the State.*

SECTION 1. *Be it enacted by the Legislature of the State of Texas.* That the Governor of the State shall cause to be executed the bonds of the State for the sum of one million dollars in sums of one thousand dollars each, redeemable in sixteen years, and bearing interest at the rate of eight per centum per annum, payable semi-annually; with coupons for the semi-annual interest attached, payable on the first day of July and first of January, of each year. The bonds shall be signed by the Governor and Treasurer, and shall be registered by the Comptroller, who shall certify the fact of such registration on the back of the bonds, and the coupons shall be signed by the Treasurer. The bonds and coupons shall be payable at some bank in the city of New Orleans, in the State of Louisiana.

SEC. 2. The Governor shall appoint an agent to negotiate the sale of said bonds from time to time, and to place the proceeds of such sales in some bank in the city of New Orleans, to be subject to the order of the Comptroller of the State, and by him to be placed in the State Treasury. Said agent shall be governed in his negotiations by the instructions of the Governor.

SEC. 3. The proceeds of the sales of said bonds shall be applied to the following objects, and no other purposes whatever: To the payment of all indebtedness of the State created for the defence of the frontier, and to the payment of appropriations which have been or may hereafter be made for the military defence of the State. To the repayment of all the disbursements made from the Treasury or anticipated from the accruing revenue of the State, or from any special fund or funds in the State Treasury to meet appropriations to pay the expenses of the State Convention, and of the extra and adjourned sessions of the eighth Legislature.



To the payment of all appropriations made to meet the debts created or incurred by authority of the State Convention, and to meet any deficit in appropriations made to meet the expenses of said Convention, and of the expenses of the extra and adjourned sessions of the eighth Legislature.

To the payment of any deficit in the appropriations made to meet the ordinary expenses of the Government for the year 1861, arising from the anticipation of the revenue to meet extraordinary demands.

Approved, April 8, 1861.

## **JOURNAL OF THE SECESSION CONVENTION OF TEXAS, 1861**

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### **PROCEEDINGS IN THE CONVENTION**

**March 9, 1861; p. 130**

Mr. Throckmorton offered the following resolution which was referred to the Committee on Finance.

"Resolved, that the committee on Finance report an ordinance to provide for the sale of all the unsold University lands, and also to provide that the proceeds of the sales thereof shall be used for the liquidation of the present indebtedness of the State, and that the same shall be subject to such appropriation without becoming a charge against the State for University purposes."

**March 13, 1861; p. 154. 155-156; p. 157**

An Ordinance to raise Money to defray the extraordinary expenses arising from the condition of Public Affairs and to pay the expenses of the Convention.

[Printed bill in Miscellaneous Papers of the Secession Convention. The numbers in brackets indicate the number of lines printed in the bill.]

Sec. 6. That the bonds authorized to be created by this ordinance may be adequately (2) and securely provided for, it is here declared and ordained that the securities now in the (3) proper department of the State government, arising from the sale of the fifty league (4) grant of University lands or the money arising from the payment of said securities or (5) so much as may be paid by the 1st day of July, 1871, as also the remainder of said

(6) University fifty league grant amounting to some one hundred and forty-six sections, or (7) its proceeds when sold, shall be set aside and is hereby set aside and constituted a sinking (8) fund for the sole and exclusive purpose of redeeming the principal of said State (9) Bonds, when due, and payable on said 1st day of July, 1871.

Sec. 7. That as money, accruing from said University security and land, shall be paid (2) into the State Treasury, the same shall, by the joint action of the Comptroller and (3) Treasurer, be loaned out, on undoubted security, at an interest of from eight to twelve (4) per centum, per annum, payable, both principal and interest, annually, and on a credit (5) of one year from the date of the loan, and thereafter in like manner, till required to pay (6) and satisfy the said State Bonds hereinbefore authorized to be made.

Sec. 11. That in due and proper time, the Comptroller and Treasurer of the State (2) shall appoint some qualified person as Commissioner for the purpose of selling the (3) remainder of the fifty league University grant hereinbefore designated as part of the (4) sinking fund, and to such Commissioner they shall allow such compensation as may (5) appear to them equitable and right. Before entering upon his duties said Commissioner (6) shall take an oath, well and faithfully to perform the duties assigned to him.

Sec. 12. That said last named Commissioner shall, after giving notice of the said (2) sale, in such papers and in such places, and for such length of time as he may appoint, (3) shall proceed at the periods herein named, to wit: on the 1st Monday in November, (4) 1861, on the first Monday of November, 1862, and on the 1st Monday of November, (5) 1863, and from day to day at or (as) near the land as he may think proper proceed to offer (6) said lands for sale at auction, and sell the same, provided however that the same shall (7) not except, as hereinafter provided for, be sold at a price under three dollars per acre.

Sec. 13. That said lands shall be sold in alternate half sections, unless the tract (2) adjoining that sold, be a fraction of a section; and in making the sales, the Commissioner (3) shall only sell one-third of the whole quantity now remaining unsold, it being the (4) intent and meaning of this section that an equal quantity, if practicable in the judgment (5) of the Commissioner, shall be sold at the times appointed for the three several (6) sales. At the last sale, should any tract or tracts fail to find a purchaser or purchasers, (7) the same shall be sold for what they will bring.

Sec. 14. That the sales shall be on a credit ending on the 1st day of January A. D. (2) 1869, the notes, as far as practicable, being taken in installments of one year, and bearing (3) interest of eight

per cent per annum, the interest on the whole amount of purchase (4) money, payable at the times appointed by the Commissioner for the payment of the (5) notes. That in case any debtor for said lands remain in default for any two payments, (6) both the payments made and the land shall be forfeited to the State. The State (7) shall only make title when the debt and interest are fully paid.

Sec. 15. That the section of this ordinance, creating a sinking fund of the University (2) securities and lands or their proceeds, shall and they are hereby declared to be organic (3) and as part of the Constitution irrevocable until the fund accomplishes its purpose (4) after which, should any remain, it shall inure as the part of the University fund.

Sec. 16. That all State laws hostile to or inconsistent with this ordinance are (2) repealed.

**March 14, 1861; pp. 159-163**

Mr. Robertson of Bell submitted the following report from a minority of the committee.

Hon. O. M. Roberts, President of the Convention.

The undersigned, a minority of the committee on Finance, beg leave to dissent from that portion of the report of the majority of the committee made to the Convention on this morning, which recommends the repeal of the 2nd section of the 10th article of the constitution.

It will be observed that this clause of the Constitution is the very groundwork of the common school system of the State and, in connection with the other sections of the 10th article of the Constitution, constitutes the entire basis upon which the whole system rests.

The undersigned are of the opinion that no necessity exists, or is likely to occur, which requires this provision of the organic law to be repealed. And we are very far from admitting that we are without resources to meet the interest on the \$500,000 of State bonds proposed to be issued.

There is yet due the State on the University lands heretofore sold and to be paid before January 1869, of principal and interest \$155,938.20. There remains unsold of the University lands 164,200 acres. There can be realized from these lands, to be sold as proposed by the committee, by January 1869, \$523,600.44. Then, add the proceeds of the sales of the 135,680 acres of land in the Memphis El Paso Railroad reserve, to be sold in the same manner as the University lands, at a minimum price of two dollars per acre, and we will have the further sum of \$325,758, making a sum total of prin-

cipal and interest derivable from these sources up to January, 1869, of something over one million of dollars, leaving untouched the one-tenth of the revenues set aside by the constitution for the support of free schools.

**CONSTITUTION OF 1861**

**G. 5, p. 24**

[Article X, Education, contains the same provisions as the Constitution of 1845: there are some slight differences in punctuation.]

**NINTH LEGISLATURE, REGULAR SESSION, NOVEMBER  
4, 1861, TO JANUARY 14, 1862**

**MESSAGE OF GOVERNOR F. R. LUBBOCK**

**Dec. 31, 1861, Lane, pp. 32-33**

[Veto of an "Act making an appropriation for the mileage and per diem pay of the members and officers of the Ninth legislature."]

The second section provides that for the payment of the members of the legislature and the officers of both houses, the treasurer may use any funds in the treasury, belonging either to the proceeds of the sales of the University lands, the settlement of the successions of deceased persons, escheated property, and the sinking fund on railroad bonds; providing, however, that when any of such funds shall be used, the treasurer shall replace the amount so used, with bonds of the State for like amount, and that each member shall receive his fair proportion of such funds.

If this act should become a law all the present available funds in the State treasury, of every description, will at once pass from the vaults of the treasury into the hands of the beneficiaries under this act.

While I believe that the State should pay to the utmost of its ability all its officers, both civil and military; yet under the present critical condition of our beloved State and Confederacy, I confess I would witness, with feelings of the deepest sorrow, the last dollar drawn from the treasury, unless to furnish arms, ammunition and clothing to her gallant sons, who are now so proudly vindicating the old fame of the Texas soldier.

The monies arising from the sales of the University lands were intended for a wise and beneficent object, and I greatly doubt the wisdom of disposing of them for the purpose indicated in the act under consideration, or for any like purpose. The funds arising from the settlement of successions of deceased persons and escheated property belong in all probability, to minors and orphans, who have



no legal protector or guardian to demand these sums in their names. I am further informed by the treasurer in the statement herewith submitted, that he has unofficial information that a large portion, if not all of the last named funds will probably be shortly demanded by their right owners.

[Veto sustained by a close vote. Lane.]

[H. J. not found; not in existence?]

[S. J. in manuscript volume 22, office of Secretary of State.]

## GENERAL LAWS

Ch. 81; p. 55. G 5; p. 499

AN ACT to provide for Military purposes.

Section 1. *Be it enacted by the Legislature of the State of Texas,* That the Governor, Comptroller, and Treasurer, shall constitute a military board; and a majority of said board shall have the power to provide for the defence of the State by means of any bonds and coupons, which may be in the Treasury on any account, and may so use such funds or their proceeds, and therefor, may sell, hypothecate, or barter such bonds and coupons; provided such disposal shall not exceed the amount of one million of dollars of such bonds and coupons; and that they shall not be disposed of at any discount greater than twenty per cent of their face amounts.

Sec. 2. And bonds which may be disposed of under the provisions of this act, shall be substituted by equal amounts of any bonds of the Confederate States of America, that may be obtained by this State, and the bonds so substituted, respectively, in all respects, shall be in place of the funds disposed of as aforesaid.

Approved, January 11th, 1862.

Ch. 86. p. 56; G. 5, p. 500

AN ACT supplementary to an Act, making an appropriation to pay contingent expenses of the Ninth Legislature, approved the 9th day of December, 1861.

Section 1. *Be it enacted by the Legislature of the State of Texas,* That the further sum of fifteen hundred dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury, not otherwise appropriated, to pay the contingent expenses of the Ninth Legislature.

Sec. 2. If there is not sufficient specie in the Treasury of the State of Texas, to satisfy the contingent fund appropriated by this act, to which this is a supplement, and the appropriation herein made for that purpose. not otherwise appropriated, then the Treasurer is authorized to pay any drafts drawn against such contingent

fund, out of the specie in the Treasury belonging to the University land sale, or out of the fund belonging to escheated property, after the fund belonging to the University land sale may have been exhausted, to supply such deficiency; which money so used shall be replaced by the Treasurer to these respective funds, out of any money coming into the Treasury, not otherwise appropriated.

Passed January 9th, 1862.

### **SPECIAL LAWS**

**Ch. 50, pp. 23-24; G. 5, pp. 545-546**

**AN ACT** for the relief of the purchasers of University lands.

**Section 1.** *Be it enacted by the Legislature of the State of Texas,* That the purchasers of the University lands shall have until the first of January, 1864, or six months after the close of the present war, should it terminate before the date named, or until otherwise provided by law, to make payment of the installments and interest due the University fund for said lands: Provided that this act shall not be construed to prevent such persons as may desire to do so, from paying the installments, or the interest, or the entire purchase money due from them, and provided, further, that the sureties of each purchaser assent, in writing, to such extension of time, or the principals renew their notes, with two or more sureties, to be approved by the Comptroller.

Approved January 4th, 1862.

## **TENTH LEGISLATURE, REGULAR SESSION, NOVEMBER 2 TO DECEMBER 16, 1863**

### **PROCEEDINGS IN THE LEGISLATURE**

**O. B. 46.** By Marshall?

To authorize the Comptroller to receive bonds of the State and Treasury warrants of the State for University lands.

File 90, office of Secretary of State.

[See Ch. 23, General Laws, Called and Adjourned Sessions of the Eighth Legislature.]

[H. J. not found. Not in existence?]

[S. J. Regular Session, in manuscript, Volume 22, Office of Secretary of State. Rest not in existence?]

## GENERAL LAWS

Ch. 52, p. 35, G. 5, p. 689

AN ACT for the further relief of purchasers of University Lands.

Section 1. *Be it enacted by the Legislature of the State of Texas,* That the purchasers of University lands shall have until the expiration of twelve calendar months, from and after the declaration of peace between the Confederate States of America and the United States of America, or until otherwise provided by law, to make payment of the installments and interest due the University fund for said lands; Provided, That all such payments shall be made in State bonds and State treasury warrants; that this act shall not be construed to prevent such persons, as they may desire to do so, from paying the installments due, or the interest, or the entire purchase money, due from them; and provided further, that the sureties of each purchaser assent, in writing, to the extension of time or the principal renew their notes, with two or more sureties, to be approved by the Comptroller.

Sec. 2. That no forfeiture shall accrue by reason of failure of purchasers to pay their several debts due for University lands, previous to the expiration of the time mentioned in the first section of this act.

Sec. 3. That the provisions of this act shall apply to all purchasers of University lands, as well to those who have paid in part as to those who have failed to pay any portion of their indebtedness.

Sec. 4. That an act, entitled "An act for the relief of purchasers of University lands," approved January 4th, 1862, be and the same is hereby repealed.

Approved December 16th, 1863.

JOURNAL OF THE RECONSTRUCTION CONVENTION,  
1866

## MESSAGE OF GOVERNOR A. J. HAMILTON

February 10, 1866; pp. 23-24

The debt created by those who were in authority in Texas during the rebellion, in support of the war against the government of the United States, is not, in my judgment, such an obligation upon the people of Texas as will find favor with any loyal citizen, or with the government and people of the United States. To provide for the payment of this debt would be equivalent to a justification of the purposes for which it was created. There is one thought, in this connection, which I think it proper to present. Even if the feelings of the people of Texas inclined to them to provide for the payment

of this debt, which I would fain believe to be far from the truth, it would not be just to impose such a burthen upon loyal citizens from other sections of the Union, which have not been in rebellion, who may come to settle amongst us, or upon emigrants from foreign countries, who may be attracted, by the advantages which present themselves, to seek homes within our borders.

I am of opinion that a failure to guard the people, by an appropriate provision, against taxation for the payment of this debt, would be unsatisfactory to them, and justly offensive to the government of the United States. It may be difficult to ascertain accurately that portion of the public debt of the State which was incurred in support of the war. I have reason to believe that more than three-fourths of the indebtedness which has accrued since the commencement of the war was created in its support. As a means of facilitating your investigations upon this subject, I respectfully refer you to the report of Ex-Governor E. M. Pease, and Swante Palm, Esquire, copies of which will be furnished to your honorable body.

In this connection I feel it to be my duty to remind you that land scrip to a considerable amount was purchased during the progress of the late rebellion, and paid for in the paper money issued by the government of the Confederate States. Perhaps, in some instances, these payments for land scrip were made in Treasury warrants of the State.

Payments were also made, during the rebellion, in Confederate money, for portions of the University lands, sold under a law of the State, enacted before the passage of the ordinance of secession. The Commissioner of the Land Office and the Comptroller of Public Accounts can furnish such information on these subjects as may be desired by your honorable body.

#### PROCEEDINGS IN THE CONVENTION

March 14, 1866, p. 171

Mr. Johnson, Chairman of the committee on Public Lands made the following report:

*To Hon. D. C. Dickson, President pro tem. of Convention:*

The Committee on Public Lands have had under consideration the report of the Commissioner of the General Land Office, in relation to the amount of land patented and certificates issued by him since the 1st day of February, A. D. 1861, a majority of whom recommend the adoption of the accompanying ordinance, in relation thereto:



## AN ORDINANCE,

Validating and confirming certain acts of the Commissioner of the General Land Office, and Commissioner of the Court of Claims.

*Be it ordained by the people of Texas in Convention assembled,* That all of the certificates issued for land, either by the Commissioner of the Court of Claims or by the Commissioner of the General Land Office, and all patents issued by virtue of such certificates since the 1st day of February, A. D. 1861, in compliance with laws passed by the Legislature of this State since that time, and not in conflict with the Constitution of the United States, be and the same are hereby validated and confirmed.

*Be it further ordained,* That all payments made by parties indebted for University lands, with State Treasury Warrants and Confederate Notes, since the 1st day of February, A. D. 1861, shall be credited to the account of the parties making such payments, at the fair market value of such warrants or notes at the time such payments were made, to be determined by the Comptroller of the State; *provided*, that no interest shall ever accrue upon any part of said payments, and that the parties shall be allowed the same time and terms, for completing said payments, that were allowed at the original sale of said University lands.

Read first time, and passed to the orders of the day.

March 15, 1866; pp. 175-176

Mr. Lindsey, one of the committee on Public Lands, made the following minority report:

*Hon. D. C. Dickson, President pro tem. of the Convention:*

A minority of the committee on Public Lands dissenting from the majority report of the committee in relation to University lands, recommend the adoption of the accompanying ordinance, in lieu of the second Section of the ordinance reported by the majority of said committee. It will be borne in mind that these payments were made in liquidation of a tax from the citizens of the State, and in strict compliance with rules prescribed for its payments by the party to which the debt was due, both as respects the character of funds with which it was paid, and the time of payment. It will be further borne in mind, that these parties were required to pay this indebtedness by annual installments, on the express condition that a failure to make the payment at the time, and in the manner prescribed, would work an immediate forfeiture, not only of the land purchased, but also of all prior payments that may have been made by the party making such

failure. With such laws enacted by the party to whom these debts were due, under a government in existence—whether rightfully or wrongfully is immaterial to the issue—with ample powers to enforce forfeiture in case payments were not made as prescribed, those who were indebted for those lands had but the one alternative, and that was to pay according to the law in force, and in the only currency that was accessible, or forfeit their homes, and leave their families without shelter or means of support. For these reasons, we believe great injustice will be done those who have purchased and paid for their lands in good faith by the majority report, nor do we believe that a refusal to acknowledge these payments can now be justified, either in a legal or moral point of view; we hope, therefore, that the following ordinance will be adopted, in the place of the 2d Section of the majority report:

*Be it further ordained*, That all parties who have paid for University lands since the 1st day of February, A. D. 1861, with Confederate Notes, or State Warrants, shall be entitled to credits for the face value of the Notes or Warrants so paid, and that all patents issued for said land during that time be and the same are hereby validated and confirmed.

J. M. LINDSEY,  
M. W. ALLEN,  
J. M. HUNT.

March 23d, 1866; pp. 274-276

Mr. Waul, one of the Finance Committee, made the following report:

*Hon. W. M. Taylor, President pro tem., Convention:*

The committee on Finance, to whom was referred the report of the committee on Education, have had the same under consideration.

The committee find that there has been paid into the Treasury, on account of University lands:

Specie on account, principal, and interest on notes. . . .	\$ 37,932.04
10 per cent. interest bearing warrants. . . . .	12,230.39
Non-interest bearing Warrants. . . . .	10,300.41
Confederate Notes . . . . .	114,804.48
Transferred to State Revenue account. . . . .	203,901.30

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Amounting to. . . . . \$379,168.62

Which has been converted and expended, during the war, by the State authorities. They further state that:

5 per cent. United States Bonds.....	\$100,000.00
Specie interest on same.....	9,472.26
Specie or coupons, 1 mo. interest.....	416.66

Amounting to .....\$109,888.92  
was transferred from the University fund to the State Revenue account in February, 1860, under an act of February 8th, 1860, and should be restored by the State to said fund.

The committee recommend that the State be released from any other, or further liability to said funds; the various amounts having been lost in the general destruction consequent upon the war, liable to the same objections, and dependent upon the same principles governing the Convention in their action upon the State indebtedness incurred during the war.

They recommend as a substitute for the ordinance referred to them for consideration the accompanying ordinance, and ask its adoption by the Convention:

#### AN ORDINANCE,

Securing the Common School and University Funds, and for Other Purposes.

*Be it ordained by the people of Texas, in Convention assembled,* That the Legislature, at its first session, shall provide for issuing coupon bonds of the State for the 5 per cent. United States bonds, and interest transferred from the University fund to the State Revenue account, in February, 1860, and when issued, they shall be placed in the Treasury to the credit of said fund.

Sec. 3. *Be it further ordained,* That the Legislature of this State shall have no authority, and are hereby forbidden to assume, or provide by taxation, or otherwise, for the payment of any other claim, or pretended liability of the State, to said funds, not enumerated in this ordinance.

Read first time, and passed to the orders of the day.

#### CONSTITUTION OF TEXAS, 1866

##### Article X. Education. P. 30. G. 5, p. 884

Sec. 3. And all alternate sections of land reserved by the State out of grants heretofore made, or that may hereafter be made, to railroad companies or other corporations of any nature whatever,

for internal improvements, or for the development of the wealth and resources of the State, shall be set apart as a part of the perpetual school fund of the State. . . .

Sec. 8. The moneys and lands heretofore granted to, or which may hereafter be granted for the endowment and support of one or more universities, shall constitute a special fund for the maintenance of said universities, and until the university or universities are located and commenced, the principal and the interest arising from the investment of the principal, shall be invested in like manner, and under the same restrictions as provided for the investment and control of the perpetual public school fund, in Sections four and five (4 and 5) in this Article of the Constitution, and the Legislature shall have no power to appropriate the university fund for any other purpose than that of the maintenance of said universities, and the Legislature shall, at an early day, make such provisions, by law, as will organize and put into operation the university.

## ORDINANCES

Number 2; pp. 33-34. G. 5, pp. 887-888

### Declaring the War Debt void, and for Other Purposes.

*Be it ordained by the people of the State of Texas in Convention assembled,* That all debts created by the State of Texas in aid of the late war, directly or indirectly, are hereby declared null and void; and the Legislature shall have no authority, and they are hereby forbidden to ratify the same, or to assume or provide for the payment of the same, or any part thereof.

Sec. 2. Be it further ordained, That the Legislature of this State shall have no authority, and are hereby forbidden to assume, or make any provision for the payment of any portion of the debts contracted or incurred, directly or indirectly, by the Confederate States, or by its agents, or by its authority.

Sec. 3. Be it further ordained, That the Legislature of this State shall have no authority, and are hereby forbidden to assume or make any provision for the payment of any portion of the debts contracted or incurred, or warrants issued by this State, from the 28th day of January, 1861, until the 5th day of August, 1865, except warrants issued in payment of services rendered, or liabilities incurred, before the said 28th day of January, 1861.

Passed March 15, 1866.



## Number 11, pp. 41-42; G. 5, pp. 895-896

Making Valid the Laws and other Acts of Officers Therein Mentioned, and for Other Purposes.

Section 1. *Be it ordained by the Representatives of the people of Texas, in Convention assembled*, That all laws and parts of laws enacted by the Legislature of this State since the first day of February, 1861, not in conflict with the Constitution and laws of the United States, nor with the Constitution of this State, as it existed prior to the 1st day of February, 1861, and not in conflict with the Provisional Governor's proclamations opening the courts, and authorizing the institution of suits, are declared to be in full force as laws of this State; and all the acts of courts, officers of courts, and the acts of the different officers of the State, executive, judicial and ministerial, done in compliance with the laws of the State, and in conflict neither with the Constitution and laws of the United States, nor with the Constitution of this State, as it existed prior to the 1st day of February, 1861, are declared to be valid; provided that nothing in this ordinance shall be so construed as to render valid any law of the Legislature, or the acts of any officer, or any judicial proceeding declared void, or annulled by this Convention.

Passed March 30, 1866.

## Number 12, p. 45, G. 5, p. 899

Securing the Common School and University Fund, and for Other Purposes.

*Be it ordained by the people of the State of Texas in Convention assembled*, That the Legislature, at its first session, shall provide for issuing coupon bonds of the State for the 5 per cent. United States bonds and interest transferred from the University Fund to the State Revenue account, in February, 1860; and when issued they shall be placed in the Treasury to the credit of said fund.

Sec. 2. *Be it further ordained*, That all 5 per cent. United States bonds and coupons transferred from the Common School fund since the 28th of January, 1861, that are in the possession of, or may be recovered by the State shall be secured to said fund; and any portion of said bonds or coupons that may be used for the payment of the direct tax due the United States, shall be secured by coupon bonds of the State and placed to the credit of

said fund; and the Legislature of the State is hereby directed to carry this section into effect.

Sec. 3. Be it further ordained, That the Legislature of this State shall have no authority, and are hereby forbidden to assume or provide by taxation or otherwise, for the payment of any other claim of pretended liability of the State to said funds, not enumerated in this ordinance.

Passed April 2, 1866.

## **ELEVENTH LEGISLATURE, REGULAR SESSION, AUGUST 6 TO NOVEMBER 13, 1866**

### **MESSAGE OF GOVERNOR J. W. THROCKMORTON**

**August 18, 1866; H. J., pp. 76-77**

#### **University Fund**

I invite your attention to an ordinance, which requires coupon bonds of the State to be placed to the credit of the University Fund, in lieu of the United States Bonds belonging to this fund which were transferred by an act of the Legislature of January 31, 1860, to State revenue account, and suggest the necessary action on your part to effect the intention of the ordinance. The amount of bonds and interest due at the time of transfer was \$109,472.26 which will require corresponding amount of State bonds.

Under a law approved August 30th, 1856, the fifty leagues of University lands were sectionized, and 58,523 acres were sold, at an average price of \$3.34½ per acre. I would invite your attention to the law referred to, and to the report of the commissioner, John Henry Brown, in relation to the sale of the lands. The law needs amendments, and I desire the Legislature to consider the necessity of making further sales, from time to time, as the lands are likely to command fair prices. It is my opinion that the sales of marketable quarter sections, selling alternately, should be continued.

There has been paid into the Treasury, on account of sales of University lands, \$126,342.90, and there remains yet unpaid as principal, \$70,230.92. The amount of interest paid up to April 18, 1865, was \$48,924.42, and the approximate interest due up to the year 1878, is \$55,888.86.

In the event that the sale of these lands is continued, I would suggest the propriety of investing the proceeds in interest bearing stocks of the State, or the General Government.

I would ask your attention to the apparent conflict between the eighth section of the tenth article of the Constitution, and the

ordinance in relation to the School and University funds. The first would seem to imply that the State is liable to this fund for all moneys heretofore set apart to it, and subsequently transferred to other accounts, and replaced by Comptroller's certificates of State indebtedness. The ordinance prohibits the Legislature from providing "for the payment of any claim or pretended liability of the State to said fund, not enumerated" therein.

If the latter prevails, the \$10,300.41 of Comptroller's certificate of indebtedness deposited to credit of University fund, and the \$12,230.39 ten per cent. State warrants, must be cancelled, and your honorable body should so direct.

#### PROCEEDINGS IN THE LEGISLATURE

H. B.—By Mr. Diamond.

To grant relief to purchasers of University lands.

Became a law. H. J. pp. 156, 160, 176, 330, 379; S. J. pp. 241, 270, 363.

H. B. —. By Mr. Reeves.

To amend an act which authorizes the disposition and sale of the University lands, approved Aug. 30, 1856.

Became a law. H. J. pp. 164, 168, 273, 284, 311, 803, 850; S. J. pp. 189, 281, 449, 476, 492, 493, 509, 531, 622.

H. B.—By Committee on Education.

To supplement an act which authorizes the disposition and sale of University lands.

Became a law. H. J. pp. 533, 926; S. J. pp. 351, 451.

H. B.—By Mr. Munson, from the Committee on Finance.

To carry into effect an ordinance of the 1866 Convention securing the Common School and University fund and for other purposes.

Became a law. H. J. pp. 732, 762, 786, 927; S. J. pp. 515, 524, 567, 624.

H. B.—By Mr. Doom.

To amend the act establishing the University of Texas.

Became a law. H. J. pp. 782, 828, 889, 893, 902, 931, 932; S. J. pp. 556, 604, 607, 615.

H. B.—By Mr. Munson.

To appropriate for the support of the State Government for the years 1867 and 1868.

H. J. pp. 910, 914, 937; S. J. pp. 617, 619, 628.

H. J. R. 21—By Mr. Doom.

To establish and endow the East Texas University.

Became a law. H. J. pp. 319, 464, 799, 931; S. J. p. 636.

H. J. R. 22. By Mr. Doom.

To appoint a committee of five each from the House and Senate to attend the annual examinations at the State University and report back at an early date.

Referred—H. J. pp. 740, 773-774.

H. J. R., 23—By Mr. Jones of Titus.

To require the Governor to appoint eight administrators by and with the consent of the Senate, who, with the Governor and Chief Justice of the Supreme Court, shall constitute a Board of Administrators of the University of Texas, as provided for in section 3d of the act of February 11, 1858, and to require them to select a suitable site for the University, to carry into effect the provisions of the act providing for the establishment of the University of the State of Texas.

Became a law. H. J. pp. 750, 774, 925, 931, 937.

H. J. R. —. By —.

To require the Governor and the President of the Board of Administrators to report to the Legislature the condition of the State University.

[Not found in Journals.]

**October 31, 1866; H. J., pp. 773-774**

Mr. Hallonquist made the following report:

The Committee on Education, have had under consideration a joint resolution requiring His Excellency the Governor of the State of Texas, and President of the Board of Administrators of the State University, to report to the Legislature now in session the condition of said State University, as required by law.

Also, a joint resolution authorizing the appointment of a committee of five on the part of the House, and a like committee on part of the Senate, to attend the annual examination of the State University, and report to the Legislature of the State of Texas now in session, at as early a day as possible, and instruct me to report as follows:

The unfortunate condition of the country for the last six years, with all her energies and resources directed to the success of the cause in which she had embarked, has prevented the inception of any steps that tend to the erection or even the location of the University, consequently the necessity of the inquiry is obviated as is required in the first resolution.

In relation to the latter, the committee state that a bill creating and establishing the University of the State of Texas, emanating from the committee, is now on the Speaker's table, which in an article embraces the essential purposes of the resolution referred



to, but believing the location of the University to be the first object obtained, submit the accompanying joint resolution to the House.

[See pp. 203-204 for this H. J. R.]

**S. J. R. By Mr. Randolph.**

To provide for the construction and location of the University of Texas.

S. J. pp. 71, 556, 604, 605, 607, 610, 615, 633, 637; H. J. pp. 740, 750, 773, 774, 931.

## GENERAL LAWS

**Ch. 43, pp. 37-38; G. 5, pp. 955-956**

**AN ACT granting relief to purchasers of University Lands.**

Section 1. *Be it enacted by the Legislature of the State of Texas,* That all purchasers of University lands shall have until the first day of January, eighteen hundred and sixty-nine, to make payment of the interest due the University fund for said land.

Sec. 2. That no forfeiture shall accrue by reason of the failure of purchasers to pay the interest due said fund, previous to the time mentioned in the 1st section of this Act; and that this Act take effect and be in force from and after its passage.

Approved October 20, 1866.

**Ch. 95, pp. 93-94; G. 5, pp. 1011-1012**

**AN ACT to amend an Act entitled "An Act authorizing the disposition and sale of the University Lands," approved August 30th, 1856.**

Section 1. *Be it enacted by the Legislature of the State of Texas,* That the third section of the above recited Act shall hereafter read as follows:

"Sec. 3. After said map and field notes shall have been made and returned to the General Land Office, as hereinbefore provided for, it shall be the duty of the Governor to cause to be sold, from time to time, any of said land, in such quantities, not to exceed three hundred and twenty acres, but may authorize the sale of the same in such less bodies or tracts as he may deem proper, and at such times as he may direct, at public auction, to the highest bidder, at the county seat of the county in which the same may be situated; *Provided*, Such sale, and the terms thereof, shall first have been advertised, for sixty days, in two newspapers, published nearest to the county in which the land is situated, also in at least three public places in said county, and (in) at least one paper

at the seat of government; *Provided*, also, That such lands shall not be sold for a less price than three dollars, specie, per acre; *Provided*, that the land shall only be sold in regular subdivision of one-half, one-quarter, and one-eighth of sections.'

Approved, November 6, 1866.

**Ch. 148; pp. 185-187.. G. 5, pp. 1103-1105**

AN ACT amendatory of an Act to establish the University of Texas, approved February 11, 1858.

Section 1. *Be it enacted by the Legislature of the State of Texas*, That section 1st is hereby amended so as to read as follows: That there is hereby established within this State an institution of learning to be styled "The University of Texas," to be located at such place as the administrators shall select, and in such manner as may hereinafter be determined.

Sec. 2. That section 2d is hereby amended as follows: The sum of one hundred and nine thousand four hundred and seventy-two dollars and twenty-six cents, which was transferred from the University account to the State revenue account, under the provisions of an Act passed January 3d, 1860, be, and the same is hereby required to be again placed to the credit of the University fund, in conformity with Section 1 of an ordinance of the late Convention, securing the Common School and University Fund, and, for other purposes; and it is hereby made the duty of the Comptroller to execute a State bond for that sum, bearing interest at the rate of five per cent. per annum, and when executed, the same is hereby set apart and appropriated to the establishment and maintenance of the same. One-half of the proceeds of the fifty leagues of land, which, by the Act of January 26th, 1839, entitled "An Act appropriating certain lands for the establishment of a general system of education," were set apart and appropriated for the establishment and endowment of two Colleges or Universities are hereby set apart and appropriated to the establishment and maintenance of the University of Texas, the remainder to be reserved for the benefit of a similar University, which, at some future time, may be necessary to be established in a different portion of the State.

Sec. 3. That section 4th is hereby amended as follows: The following branches of learning shall be taught at the University, viz.: Ancient and Modern Languages; the different branches of Mathematics, pure and physical; Natural Philosophy; Chemistry, Mineralogy and Geology; the science and art of Agriculture, Botany, Surgery and Medicine, including Medical Jurisprudence; Zoology, History, Ethics, Rhetoric, and Belles-Letters; the principles of Government; Political Economy; Natural, International and Municipal Law; Civil and Military Engineering and Mechanics; and a system of

normal schools shall be added thereto. There shall also be a course of instruction delivered on the science and art of War, in order to qualify the students to perform efficiently their duty in the militia—to enable them to read understandingly the great battles of the world, which have decided the fate of empires, and influenced the progress of civilization of nations.

Sec. 4. Section 6th is amended as follows: The administrators shall have the power to appoint and fix the salaries of the Chancellor, professors, instructors and officers of the University, and prescribe the course of instruction and discipline to be used in the same. They shall meet at least once in every year for the transaction of business, and shall keep a record of their proceedings. Five of the administrators, with the Governor of the State, or the Chief Justice, lawfully convened, shall constitute a quorum; they shall have a Secretary, to be elected by them, and shall have power to make all regulations which to them shall seem expedient for carrying into effect the designs contemplated by the establishment of the University, not inconsistent with the Law of the State.

Sec. 5. Section 9th is hereby amended as follows: Instruction at the University shall be free, and no preliminary examination as to the proficiency shall be required, except for the establishment of a reputable moral character, to entitle any person to all the benefits of instruction in the University; nor shall any student be required to pursue any branch of study contrary to the wishes of his parents or guardians, expressed in writing.

Sec. 6. Section 10th is hereby amended as follows: A committee of five on the part of the House, and three on the part of the Senate, shall be appointed by the Legislature, at each session, to attend the annual examinations of the students of the University, and report to the Legislature thereon.

Sec. 7. Section 13th is hereby amended as follows: So soon as the location of the University is determined upon, it shall be the duty of the administrators to proceed to the construction of the necessary buildings, and for that purpose shall procure the services of a competent architect, who shall superintend the work; such plan and design shall embrace rooms to serve as cabinets, museums, lecture rooms, and a public academical hall, as shall not be inconsistent with the addition of wings and other structures hereafter, without marring the architectural beauty and fitness of the whole. The contracts for the buildings shall require the performance of the work, under ample security for its fitness and faithfulness. Nothing in this section shall authorize the employment of the funds of the University, in the erection of houses for officers of the University or dormitories for students.

Approved November 12, 1866.

**Chapter 152; pp. 191-192. G. 3, pp. 1109-1110**

AN ACT supplementary to an Act authorizing the disposition and sale of the University lands, approved August 30, 1856.

Section 1. *Be it enacted by the Legislature of the State of Texas,* That the Commissioner of the General Land Office, be, and he is hereby prohibited from issuing patents upon locations made upon portions of land cut off, and left out of the leagues originally surveyed as University Lands, upon the re-surveys made in sub-dividing and sectionizing said original Leagues.

Sec. 2. That the portions of the said original University Leagues, cut off and left out upon the re-surveys of said leagues, are declared to be a part of the University Lands, and shall be divided and sold as other University Lands, in accordance with the provisions of said Act to which this is supplementary.

Sec. 3. That in cases where, from the re-surveys of the original University Leagues, the same are found to be in conflict with the older surveys, made by virtue of valid certificates, the Commissioner of the General Land Office is authorized to have the conflicting sections re-surveyed, so as to leave off the conflict; and when the said conflicting tracts have been sold, without regard to such conflict, the Treasurer of the State is authorized to deduct from the amount of the notes executed for the purchase money, the amount due for the land in conflict with older surveys, and which may be left off by the re-surveys authorized herein.

Sec. 4. The sum of eight hundred dollars, or so much thereof as may be necessary, is hereby appropriated to pay for the surveying authorized by this Act, and also to pay for the surveying of the University Lands, which have not heretofore been divided and sectionized, to be paid out of any moneys in the Treasury belonging to the University fund; *Provided*, that no money shall be paid for the surveying until the Commissioner of the General Land Office shall have examined the work and approved the same, and endorsed his approval upon the account.

Sec. 5. The sum of one thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the Treasury belonging to the University fund, to pay for the services of such agents as the Governor may appoint, to conduct the sales authorized to be made by this Act, and the Act to which this is supplementary; and also to pay for the advertising of such sales; *Provided*, the accounts of such agents shall state the number of days each agent may have been actually employed in discharging the duties of his appointment, be sworn to by such agent, and approved by the Governor.



Sec. 6. The lands authorized to be sold by this Act, and the aforesaid Act to which this is supplementary, shall not be sold for a less price than three dollars, specie, or its equivalent in currency, per acre.

Approved November 12, 1866.

**Ch. 167; p. 208. G. 5, p. 1126**

AN ACT for the purpose of carrying into effect an Ordinance of the late Convention, securing the Common School and University fund, and for other purposes.

Section 1. *Be it enacted by the Legislature of the State of Texas,* That the Governor of the State shall cause to be executed the bonds of the State, to the amount of one hundred and thirty-four thousand four hundred and seventy-two dollars and twenty-six cents, specie, in sums of one thousand dollars each, and one for the fractional amount of \$472.26, redeemable in twelve years, and bearing interest at the rate of five per cent. per annum, in specie, payable semi-annually, on the first day of January and July of each year, upon presentation of the coupons therefor, to be attached to said bonds. The said bonds shall be signed by the Governor and Treasurer, and shall be registered by the Comptroller, who shall certify such registration on the back of such bonds; and the coupons shall be signed by the Treasurer. The said bonds and coupons shall be payable at the State Treasury, in the city of Austin, and when issued shall be placed in the State Treasury, to the credit of the University fund, in reimbursement of the United States bonds, and interest transferred from that fund to the State revenue account, in February, 1860.

Approved November 12, 1866.

[This was done. No provision was made for the interest. These bonds were classified as of doubtful validity by several Comptrollers, but were eventually, in 1883, paid. See Eighteenth Legislature.]

**Ch. 165; p. 218. G. 5, p. 1136**

AN ACT making appropriation for the support of the State Government for the years 1867 and 1868.

For expenses of sale of University lands to be paid from the proceeds of sale.....	\$1,500
For expenses of Administrators locating State University.....	500

Approved November 13th, 1866.

**Joint Resolution Number 21; p. 271. G. 5, p. 1189**

In relation to the location of the [East Texas] State University

*Whereas*, by a recent act of the Eleventh Legislature of the State of Texas, twenty-five leagues of land were reserved for the establishment and endowment of another University, contradistinguished from the "University of the State of Texas;" and *Whereas*, the increasing population of the State, its vast extent, and the absence of the necessary facilities of travel, render it important that this University be located; Therefore,

*Be it resolved by the Legislature of the State of Texas*, 1st, that A. M. Perkins, of Jasper County, J. H. Starr, of Nacogdoches county, James Grayham, of Lamar county, Mont. Hall, of Harrison county, L. L. Camp, of Upsher county, D. W. Jones of Titus county, W. B. Dashiel, of Kaufman county, W. K. Marshall, of Rusk county, J. K. Bumpass, of Collin county, Dr. Cooper, of Panola county, Wm. Moore, of Bowie county, M. H. Bonner, of Cherokee county, J. M. Perry, of Anderson county, and J. C. Hardin, of Smith county, be and the same are hereby created a Board of Administrators of said University.

2d. That the Board so appointed shall hold office for a period of four years, and shall, as soon as practicable, select a suitable site for the location of the University, in a different section of the State from the situation of "The University of the State of Texas."

3d. That the sum of twenty-five hundred dollars, or as much thereof as may be necessary, be and the same is hereby appropriated from the University funds, and set apart for defraying the necessary expenses of said board, while in the discharge of their official duties, five dollars per day being the maximum allowed each member while on duty.

4th. This University, so located, shall be known and designated as the "East Texas University."

Approved November 13, 1866.

**Joint Resolution Number 23; p. 272. G. 5, p. 1190**

Section 1. *Be it resolved by the Legislature of the State of Texas*, That his Excellency the Governor be and he is hereby requested to appoint eight administrators, by and with the consent of the Senate, who, with the Governor and Chief Justice of the Supreme Court, shall constitute a Board of Administrators of the University of Texas, as provided for in Section 3d of the Act of February 11th, 1858.

Sec. 2. That the administrators of the University shall, at as early a time as practicable, after their appointment, select a suitable site for the University, and take such other steps as by law they may be empowered to do, to establish and carry into effect the provisions of the act providing for the establishment of the University of the State of Texas.

Sec. 3. That the sum of twenty-five hundred hollars, or so much thereof as may be necessary, be and the same is hereby appropriated to defray to expenses of the administrators in locating said University, the same to be expended under the direction of the Governor, and to be taken from the University fund.

Approved November 13, 1866.

[In accordance with the Resolution on Jan. 5, 1867, Chas. T. West, Geo. B. Erath, Henry F. Gillette, Wm. G. Webb, Robert Becken, P. W. Kittrell, G. Schleicher, and Wh. S. Glass, were appointed as administrators. Messrs. Becken and Glass refused to accept and on Feb. 2, 1867, I. W. Ferris and F. S. Stockdale were appointed in place of them. Those who accepted qualified on or before Feb. 16, 1867. M. W. Allen was appointed on Jan. 5, 1867, agent for the sale of the University land. Register of State and County officers, 1866-70, No. 263, State Department. See also Lane, p 250, and p. 35.]

## **JOURNAL OF THE RECONSTRUCTION CONVENTION, FIRST SESSION, 1868**

### **MESSAGE OF GOVERNOR E. M. PEASE**

**June 3, 1868; p. 14. p. 16**

. . . . .

That you will declare the pretended act of secession and all laws that have been enacted, in aid of the late rebellion, or repugnant to the constitution and laws of the United States, are and were null and void from their inception; and that you will at once repeal all laws that make any discrimination against persons on account of their color, race or previous condition.

\* \* \* \* \*

The officers of the government at this place are prepared to furnish your honorable body with such reports as will give you full and accurate information in regard to the state of the treasury at the commencement of the rebellion, during the progress and at the present time; the condition of the School fund and the University fund, and the amount of each diverted to the support of the rebellion; the sales of Land Scrip that were made during the rebellion, and all other information to be found in the public records that may be useful to you in the discharge of your duties.

The amount of money in the State treasury on the thirty-first of May 1868, applicable to the ordinary expenditures of the government, is \$203,079.69 of which \$202,884.35 are in United States currency, and \$194.34 in specie. This is exclusive of the amount standing to the credit of the School, University and other trust funds. It is believed that this money, with that which will be received from time to time under the present tax laws, will be sufficient to meet all the expenditures of the government, and pay the expenses of your honorable body, unless they should be greater than is anticipated, without imposing the additional tax contemplated by the supplemental reconstruction law of the twenty-third of March, 1867.

July 15, 1868; p. 397

Mr. Sumner offered the following resolution, and asked its reference to the Committee on Education:

*Be it resolved*, That the following shall be a section of the Constitution.

ARTICLE —.

Section —. All the public university lands in the State of Texas that have not heretofore been disposed of shall be and are hereby turned over to the common School Fund. And it shall be the duty of the Legislature to pass such laws as shall provide for free schools in every neighborhood, in each county of this State; provided, there shall no neighborhood be entitled to a free school with less than twenty pupils.

Referred to the Committee on Education.

Communication from E. M. Wheelock, Superintendent of Public Instruction to Governor E. M. Pease. Dated

May 30, 1858; June 11, 1868;

pp 71-72

It seems to have been a cherished design of the people of Texas to establish an institution for the instruction of youth in the higher branches of learning; and by generous grants to so endow the same as to place within the reach of rich and poor the privilege of a liberal and thorough education. The President of the Republic was ordered, in 1839, to set apart 221,400 acres for this purpose. In 1856 one hundred thousand dollars in United States bonds and one-tenth of the railroad lands were also appropriated "for the establishment and maintenance of the University of Texas," and the lands were offered for sale on a credit for twenty years. The grant was ample; the lands were choice, and large amounts were readily sold at an average price of three dollars and thirty-four cents per



acre. Of this fund \$379,168 was destroyed during the civil war by the State authorities; and it is understood that considerable sums, the proceeds of the land sales, were paid in Confederate money.

The amount of the University fund now in the treasury is \$134,472 in State paper. No practical steps have yet been taken toward the location and establishment of this institution. But when once our State is dotted with common schools in full operation, for the education of the children of the people, these will naturally require to be supplemented by High, graded and Normal Schools, adapted to pupils of a larger growth, and these again crowned by a University.

A State University is indeed a logical necessity and outgrowth of the free school system, the head of the grand line of forces by which we would draw the whole people up to light and knowledge.

### CONSTITUTION OF TEXAS. 1869

#### Article XII, Sec. 34, p. 33; G. 7, p. 425

SEC. 34. All debts created by the so-called State of Texas, from and after the 28th day of January, A. D. 1861, and prior to the 5th day of August, 1865, were, and are null and void; and the Legislature is prohibited from making any provision for the acknowledgement or payment of such debts. All unpaid balances, whether of salary, per diem, or monthly allowance, due to employes of the State, who were in the service thereof, on the said 28th day of January, 1861, civil or military, and who gave their aid, countenance or support, to the rebellion then inaugurated against the government of the United States, or turned their arms against the said government, thereby forfeited the sums severally due to them. All the ten per cent. warrants issued for military services, and exchanged during the rebellion, at the Treasury, for non-interest warrants, are hereby declared to have been fully paid and discharged; provided, that any loyal person, or his or her heirs or legal representatives, may, by proper legal proceedings, to be commenced within two years after the acceptance of this Constitution by the Congress of the United States, show proof in avoidance of any contract made, or revise or annul any decree or judgment rendered, since the said 28th day of January, 1861, when, through fraud practiced, or threats of violence used towards such persons, no adequate consideration for the contract has been received; or when, through absence from the State of such person, or through political prejudice against such person, the decision complained of was not fair nor impartial.

[Affected repayments by the State to the Permanent Fund.]

**TWELFTH LEGISLATURE, CALLED SESSION, APRIL 26  
TO AUGUST 15, 1870**

**MESSAGE OF GOVERNOR E. J. DAVIS**

**April 29, 1870; H. J., pp. 21, 30; S. J., pp. 17, 26**

. . . . .  
In addition to the above, the University fund and lands may, I suppose properly be considered as part of the Common School fund, though not directly included therein by the constitution. In regard to that part of the school fund in the possession of the railroads, it will be recollected that, by the act of the thirteenth of August, 1856, under which this fund was loaned to the roads, it was provided that the Governor should cause a sale to be made of the roads failing to pay any installment of the interest due on their bonds, or of the two per cent. sinking fund. No part of the sinking fund has been paid by any road since 1860, and of interest the only payments made since that date are by the H. & T. C. R. R., \$38,280, in the years 1866 and 1867, and by the B. B. and C. R. R., \$6,120, in 1867. This condition of affairs would warrant a sale at once for the benefit of the School Fund of all the roads indebted to it; but it is suggested, in view of the disturbed state of the country during this period, that these roads be relieved of the forfeiture legally resulting from their default, on payment of the interest now due, and of regular payment hereafter of interest and sinking fund coming due. If this suggestion is not adopted by your body, I will proceed to sell in accordance with the above cited act. . . . .

It will be noticed that in the Comptroller's report of assets the accounts bear from year to year the items \* "Special School Fund," \$79,409.50, "University Land Sale," \$10,300.41, and "6 per cent manuscript State bonds" for School Fund, \$320,367.13. These items represent State warrants or State bonds issued during the war, and representing obligations which are now void, should no longer be borne on the Comptroller's reports. But the Comptroller considers it his duty to continue them until the Legislature directs otherwise.

**PROCEEDINGS IN THE LEGISLATURE**

**H. B. 28 ½—By Mr. Cole:**

To confirm titles to University lands.

See H. B. 133.

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\*[Comptroller Bledsoe omitted this \$10,300.41 from his statement of the public debt. Comptroller Darden replaced it. It was, in 1883, repaid to the University Permanent Fund, without interest. H. B. 272, Eighteenth Legislature, Regular Session. General Laws, Ch. 27, p. 15.]

H. B. 133—By Mr. Cole:

To sell immediately the University lands.

H. J. pp. 158, 422, 703, 955; S. J. pp. 430, 447, 452, 529.

August 10, 1870; H. J., pp. 955-956

*Hon. Ira H. Evans, Speaker of the House of Representatives.*

Sir: I herewith return to your House "An Act concerning the University Lands, and confirming the titles thereto," it having originated in your House.

This act is objectionable, particularly in the respect that it compels the Governor to proceed to sell out the remaining university lands at once. Whether these lands belong to the University or the general school fund, it is obvious that a large fund may be realized for the benefit of education by due care in the sale of them—they being some of the best lands in the State. There is no necessity existing which would require their immediate sale. Within a year or two such lands will probably bring two or three times what they will sell for now. In the meantime the university, even if reorganized, will not require other funds than are already on hand.

There are other objections to the act which I have not thought it necessary to mention here. Some of these are embraced in or referred to in the enclosed opinion of Hon. Wm. Alexander, Attorney General of the State, to which I ask the attention of your House.

Respectfully,

EDMUND J. DAVIS,  
Governor.

The question being, "Will the House, on reconsideration, pass the bill, viz: An Act concerning the University lands and confirming the titles thereto?" the yeas and nays were called and resulted as follows:

Yeas—Messrs. C. L. Abbott, George—2.

Nays—Messrs. Austin, Abney, H. R. Allen, Richard Allen, Beeton, Burley, Booty, Cooper, Cotton, Camp, Cox, Dupree, Davis, Dorris, Ellis, Franks, Gaston, Gardiner, Grothaus, Harn, Hamilton, Haswell, Johnson, Jenkins, Kyle, Kendall, Lacy, Lane, Leonard, Lyons, Morrison, Henry Moore, McLean, J. F. McKee, Mitchel, Mullins, Medlock, Miller, R. L. Moore, Posey, Plumley, Prissick, Robinson, Schlickum, Schlotman, Schutze, Simmons, Smyth, Stirman, Stockbridge, Tegener, Tinsley, Weaver of Hunt, Weaver of Johnson, Williams of Colorado, York, Youngkin. Zapp, Zoeller—59;

So the House, on reconsideration, refused to pass the bill.

May 21, 1870; H. J., p. 172

Mr. Sinclair presented a petition from the Faculty of Soule University of Galveston, asking State aid for the purpose of establishing a medical college.

Referred to Committee on Education.

May 28, 1870; H. J., p. 233

Mr. Slaughter presented a petition from citizens of Smith county, relative to the locating of a penitentiary, a lunatic asylum, and one of the State universities at Tyler, Texas.

Referred to Committee on State Affairs.

## **TWELFTH LEGISLATURE, FIRST CALLED SESSION, JANUARY 10 TO MAY 31, 1871**

### **MESSAGE OF GOVERNOR E. J. DAVIS**

January 10, 1871; H. J., p. 53-57; S. J., p. 26-29

. . . . .

It will be perceived that I have not included in this estimate of indebtedness the bonds issued to the Common School and University funds, under the provisional act of November 12, 1866, amounting to \$216,641.08 and interest. I can perceive no good reason why these bonds, issued to replace five per cent. United States indemnity bonds, taken and disposed of during the rebellion by the authorities then in possession of the State, should now be a charge upon the people. If it is necessary that the School and University fund should be increased in a sum equivalent to those bonds, it had better be done in plain terms, but there is no such necessity, and it is our experience in the past, that the accumulation of these special funds tends to invite spoliation.

The school and university funds are now, I believe, quite as large as they can safely remain, and the taxes that would go to pay interest on bonds added to swell those funds, might as well be expended directly in support of schools or universities. I, therefore, recommend that the bonds issued to the School and University funds, under said provisional act of 1866, be canceled.

. . . . .

In connection with the Public School fund, or rather the University fund, (the two funds properly being considered together) I would call your attention to the donation made by acts of Congress, of scrip representing 180,000 acres of land, to provide colleges for the "benefit of agriculture and the mechanic arts." I have made application at Washington for this scrip and it has



probably, ere this, been turned over to the agent appointed; but under the said acts (July 2, 1862, and amendment July 23, 1866), of Congress, the State must provide, within five years from 1866, at least one such college as is described in the acts, or must refund to the United States the scrip or its proceeds. Less than one year remains within which this State can secure the benefits intended. I think we cannot safely attempt at present the establishment of more than one of these colleges, and suggest that this be incorporated with the State University. I recommend the early passage of an act applicable to the case.

### PROCEEDINGS IN THE LEGISLATURE

H. B. 322—By Mr. Cole.

To authorize and regulate the sale of University lands.

H. J., pp. 364, 565, 876, 920, 1022, 1024, 1593, 1701, 1710, 1724, 1732; S. J., pp. 743, 894, 1133, 1138, 1229; vetoed May 29, 1871 (H. J., p. 1732); veto sustained. Oct. 21, 1871.

[See next, Adjourned Regular Session.]

H. B. 279—By Mr. Cole.

To perfect the titles to University lands.

Passed. H. J., pp. 308, 392, 436, 461, 469; S. J., pp. 334, 385.

H. B. 575—By Mr. Gaston.

To incorporate the Medical Department of the University of Texas.

Engrossed. H. J., pp. 1039, 1623, 1627; S. J. pp. 1164. S. J., 502, Fourth session.

[Relates to Southwestern, then called Texas University.]

S. B. 296—By Mr. Pickett:

To incorporate the Law Department of the Texas University.

S. J. pp. 569, 754, 755, 803, 804, 850, 852, 1032, 1037, 1063; H. J., p. 1486.

[Relates to Southwestern, then called Texas University.]

March 13, 1871. H. J., p. 554.

Petition of citizens of Fannin County asking that the interest due for University lands sold in 1858 be relinquished as the payment on said lands had been suspended March 13, 1871.

**GENERAL LAWS**

**Chapter 44, p. 36; G. 6, pp. 938-940**

**AN ACT** to provide for the establishment of the Agricultural and Mechanical College of Texas.

*Whereas*, The Congress of the United States, by an act passed July 2, 1862, donated one hundred and eighty thousand acres of land to each State for the purpose of building an agricultural and mechanical college, allowing five years for the completion of said college, and amended said act July 23, 1866, extending the time for such completion to July 23, 1871; and

*Whereas*, We recognize the importance of the establishment of said agricultural and mechanical college, and of securing to our State the land donated by the above cited act; therefore,

Section 1. *Be it enacted by the Legislature of the State of Texas*, That there be hereby established within this State an institution of learning, under the name and style of the Agricultural and Mechanical College of Texas, to be located at such place and in such manner as herein provided.

Section 5. The control, management and supervision of said college, and the care and preservation of its property, shall be subject to the laws governing what is known as "An Act to establish the University of Texas," passed February 11, 1858, until otherwise directed by law.

Approved, April 17, 1871.

**TWELFTH LEGISLATURE, ADJOURNED SESSION,  
SEPTEMBER 12 TO DECEMBER 2, 1971**

**PROCEEDINGS IN THE LEGISLATURE**

H. B. 322. By Mr. Cole.

To authorize and regulate the sale of University lands.

H. J., p. 306.

I return to the House of Representatives, where it originated, the act entitled "An act authorizing and regulating the sale of the university lands.

A similar bill was enacted at the last session of the Legislature, which I felt compelled to return because of objectionable features contained in it. The act now under consideration is largely liable to the same objections. It is the opinion of the Attorney General, coincided in by myself, that the University of Texas, a corporation now established by law, should have control of these lands. But, however, this may be considered by the House. I have no doubt that

it is not advisable now to force a sale of these lands. The State is filling up rapidly with population, and lands are rising in value. They, if put upon the market at the present time, will not bring a fifth part of what we may reasonably expect to be their value within five or six years. What necessity is there for haste in selling them? The University is not demanding funds, nor does the pressure to sell come from any person interested in that institution. A magnificent endowment for the university is certainly to be realized from these lands, if carefully and discreetly managed.

E. J. DAVIS, Governor.

[Veto sustained by a vote of 33 to 32.]

H. B. 920. By Mr. Cole.

To dispose of the University lands.

Died. H. J., p. 467.

S. B. 296. By Mr. Pickett.

To incorporate the Law Department of Texas University.

S. J., pp. 463, 494, 507; H. J., pp. 337, 715, 735, 775, 777.

[Relates to Southwestern, then called Texas University.]

## THIRTEENTH LEGISLATURE, REGULAR SESSION, JANUARY 14 TO JUNE 4, 1873

### MESSAGES OF GOVERNOR E. J. DAVIS

January 16, 1873; H. J. p. 26; S. J. p. 33 S. J. p. 33.

You will perceive that I have not included among our obligations, the following items mentioned in the treasurer's report:

Five per cent State bonds to credit of University and permanent school fund. . . . .	\$216,641.05
Six per cent State bonds to credit of permanent school fund. . . . .	320,367.13
Comptroller's certificates of indebtedness. . . . .	89,709.91

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Total. . . . . \$626,718.09

These items are relics of the late war and allusion made to the two last, in my first message to the Legislature, may well apply substantially to the three. That allusion was: "These items represent State warrants, or State bonds, issued during the war, and representing obligations which are now void, should no longer be borne on the Comptroller's reports."

In effect these bonds and certificates are due to ourselves, if at all, to support the University and public schools, and instead of raising taxes to pay them, we may just as well, if necessary, effect the same purpose by paying the taxes directly to the support of these institutions.

**February 13, 1873; S. J., p. 156**

I respectfully ask your advice and consent to the following appointments, to wit: J. H. Raymond, S. Mussena, C. R. Johns, M. A. Taylor, Hamilton Stuart, S. G. Newton and J. R. Morris as administrators of the University of Texas. These names have hitherto been overlooked.

[Together with E. J. Benners, who declined, these administrators were commissioned April 17, 1872. Five qualified in April, one in May, one in July. Register of State and County Officers, 1870-74, No. 264, p. 62, State Department.]

[On September 15, 1873, Edward Degener, James H. Starr, A. M. Bryant, Geo. W. Smith, Jas. W. Talbot, John W. Harris, Hamilton Stuart and John C. Raymond were commissioned as administrators of the University of Texas. No dates of qualification or acceptance are given. Register of State and County Officers, 1870-74, No. 264, p. 67, State Department. See Lane, p. 250.]

[Forty-seven commissioners for the sale of University lands were appointed August to December, 1874; five each for the counties of Grayson and McLennan, four each for Fannin and Cooke, three each for Hunt, Collin and Lamar. Register for State and County Officers, 1870-74. No. 264, pp. 6, 7. State Department. A few other commissioners were appointed subsequently. Ibid., No. 265.]

#### PROCEEDINGS IN THE LEGISLATURE

H. B. 589. By Mr. Joseph.

To incorporate Texas University.

Amended to Methodist Episcopal University of the State of Texas. Amendments tabled. Bill passed 17 to 4. S. J. pp. 798, 813, 841, 1038; H. J. pp. 522, 963, 992, 1276, 1317, 1364.

[Relates to Southwestern University.]

H. B. 615. By Mr. Trolinger.

To supplement an act authorizing the sale and disposition of the University lands approved August 30, 1856, approved November 12, 1866.

Engrossed. H. J., pp. 558, 656, 1016, 1031, 1121, 1130, 1146, 1177, 1209, 1248.

H. B. 745. By Mr. Trolinger.

To relieve the purchasers of University lands.

H. J., p. 680.

S. B. 227. By Mr. Cole.

To require the State Treasurer to receive all payments on University lands sold under the Acts of August 30, 1856 and November 6, 1866, and to require the Commissioner of the General Land Office to issue patents on said lands. S. J. pp. 370, 842, 920, 945, 990, 1035, 1161; H. J. pp. 1174, 1206, 1226.



**January 4, 1873; S. J., p. 1161.**

I return to the Senate where it originated, the act entitled "An act requiring the Treasurer of the State of Texas to receive all payments due on all notes given by purchasers of University lands sold under the provisions of an act for the disposition and sale of the University lands, approved August 30, 1856, and an act amendatory thereof approved November 6, 1866, and to require the Commissioner of the General Land Office to issue patents on said lands.

The administrators of the University should have control of all settlements to be made with purchasers of the University lands. "The control, management and supervision of the University, and the care and preservation of its property," is committed to the administrators of the University by the express words of the act establishing it. The administrators only can properly settle with the purchasers. They will do so, doubtless, on reasonable terms, if application by bona fide purchasers is made to them.

E. J. DAVIS, Governor.

## **FOURTEENTH LEGISLATURE, REGULAR SESSION, JANUARY 13 TO MAY 4, 1874**

### **MESSAGES OF GOVERNOR RICHARD COKE**

**January 26, 1874; H. J., p. 42; S. J. p. 35**

The children of the present generation are as much entitled to the benefits of public education as those who may come after them, and I cannot see the practical wisdom of keeping the almost entire school fund of the State locked up and lying dormant in the unproductive lands, many thousands of acres of which are in settled counties, retarding each day their proper growth and development.

These lands are of the three classes, to wit: First, university lands. Second, the alternate sections of the public domain; and third, the school lands, belonging at least originally, to the several counties.

As to the power of control and disposal of the first two classes by the State there can be no question; with regard to the third class there would seem to be some doubt.

**February 10, 1874; H. J., p. 85; S. J., p. 71**

It further appears, from the Comptroller's statement, that the State is indebted to the Permanent School fund, University fund, and Agricultural and Mechanical College fund, in the aggregate sum of \$711,008.31, as evidenced by her bonds, bearing respectively five and six per cent interest, issued under various acts of the legislature, payable respectively to these funds, which bonds are in the vault of the treasury, as shown in report of the Treasurer.

PROCEEDINGS IN THE LEGISLATURE

H. B. 86. By Mr. Reeves.

To amend an act supplementary to the acts of August 30, 1856 and November 12, 1866.

H. J. p. 50.

[Apparently the same as S. B. 64 which became a law.]

H. B. 106. By Mr. Easley.

To incorporate the Texas (Southwestern) University.

H. J. p. 60.

H. B. —. By Mr. Falls.

To provide for the sale of the common school, University and Asylum lands.

H. J. p., 175.

H. B. 117. By Mr. Reeves.

To relieve the purchasers of University lands and validate patents issued to the same.

[Merged into S. B. 91?] H. J. pp. 68, 133, 173.

H. B. 339. By Mr. Simpson.

To establish the University of Texas.

Unfavorably reported. H. J. pp. 185, 558.

S. B. 64. By Mr. Trolinger.

To amend an act supplementary to the acts of August 30, 1856 and November 12, 1866.

Became a law. S. J. pp. 44, 46, 58, 59, 67, 244, 284, 293, 296, 297; H. J. pp. 79, 94, 175, 178, 208 214, 216, 230, 242, 267, 312, 320, 322, 452.

S. B. 91. By Mr. Trolinger.

To relieve purchasers of University lands and to validate patents heretofore issued.

Became a law. S. J. pp. 56, 57, 85, 152, 165, 172, 178, 188; H. J. pp. 68, 106, 107, 119, 133, 169, 173, 182, 277.

GENERAL LAWS

S. B. 91, Ch. 32; p. 29; G. 5, p. 31

AN ACT for the relief of the Purchasers of University Lands, and to Validate the Patents heretofore Issued.

*Whereas*, Portions of the university lands were sold under an act approved August thirtieth, eighteen hundred and fifty-six, and under an act approved November twelfth, eighteen hundred and sixty-six; and

*Whereas*, Full or partial payments have been made thereon, in accordance with the provisions of the acts aforesaid; and

Whereas, The Treasurer of the State has failed and refused to accept payment in part or in whole on the obligations executed for the purchase money of said lands, when tendered in conformity with the provisions of the aforesaid acts, under which said lands were sold; therefore,

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That all sales of university lands made under the acts of eighteen hundred and fifty-six and eighteen hundred and sixty-six aforesaid, in which the terms of said acts have been complied with, are hereby validated, and the Commissioner of the General Land Office, on presentation of such evidence, shall be required to issue patents for the same.

SEC. 2. That the Treasurer of the State is hereby authorized and directed, within thirty (30) days after the passage of this act, to give notice by publication in the newspaper having the largest circulation in each of the counties where such lands are situated, for at least four (4) consecutive weeks, that payment may be made in accordance with the provisions of the above recited acts; *provided*, that all purchasers may have until the first day of March, eighteen hundred and seventy-five, to make first payment.

SEC. 3. That in case where any portion or portions of said lands have been transferred by the original purchaser or purchasers to other parties, the assignee or assignees shall be subrogated to the rights of the original purchaser or purchasers; and the Commissioner of the General Land Office is hereby required to issue patents therefor to such purchaser or purchasers, upon presentation to said commissioner of evidence of transfer duly made, or upon the judgment of a court of competent jurisdiction; and in the trial of all such cases as are herein enumerated upon the said transfers, oral or written testimony may be used by any of said claimants. Either former or present owner or occupants may be used to establish title thereto.

SEC. 4. That all interests which have accrued upon obligations for the payment on said lands since the first day of January, eighteen hundred and sixty-nine, shall be and the same is hereby abated, and the same shall not be estimated from the date last mentioned until the passage of this act.

Approved, March 17, 1874.

S. B. 64, Ch. 43; p. 72; G. 8, p. 74

AN ACT Amendatory of "An Act Supplementary to 'An Act authorizing the disposition and sale of the University lands,'" approved August 30, 1856, approved November 12, 1866.

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That the Governor of the State of Texas is hereby authorized to sell, alienate and convey all the lands heretofore donated or granted for the endowment of one or more Universities by the Congress of the Republic of Texas, or so much thereof as in his judgment will be to the interest of the University fund, as herein provided.

SEC. 2. That within six months after the passage of this act the Commissioner of the General Land Office shall cause the legally authorized surveyor within whose jurisdiction any of said land is situated, to survey said land into quarter sections, or tracts of one hundred and sixty acres each, in a square form, or as nearly so as practicable, carefully marking the corners with stakes, stones or mounds, and return a correct description of said surveys, with the field notes thereof, to the Commissioner of the General Land Office, who shall cause the same to be recorded in a well bound book kept for that purpose. If said land cannot be surveyed so as to make quarter sections exact, so as to include all the lands in each survey, such fractional tract may be added to an adjacent full subdivision; *provided*, that where any of said lands have already been surveyed into quarter sections or fractional sections, the same shall not be re-surveyed, but the surveys, maps and field notes already made shall be returned by the surveyor of each county where the same is recorded, to the Commissioner of the General Land Office, who shall keep the same as before directed.

SEC. 3. That the surveyor who shall survey said land as herein provided, shall receive as a compensation for such services three dollars for each lineal mile actually and necessarily run in making such survey; and upon presentation of his certificate to the Comptroller, sworn to before some officer authorized to administer oaths, and approved by the Governor, the Comptroller shall draw his warrant on the Treasurer of the State for such amount in favor of said surveyor as may be due him for the aforesaid services, to be paid out of any funds belonging to said University not otherwise appropriated.

SEC. 4. The Commissioner of the General Land Office, so soon as practicable after the return of said surveys, shall cause the same, together with the surveys heretofore made, to be separately and carefully mapped, and said quarter sections carefully numbered, conforming to numbers heretofore made where the same has already been surveyed and numbered, and shall forward one copy of said field notes and maps of the said lands situated in each county to the surveyor of the district where the said lands lie; *provided*, that nothing contained in sections two and four of this act shall be so construed as to require lands situated in unorgan-



ized counties to be surveyed, or maps and field notes furnished until said counties are organized.

SEC. 5. That the Governor shall appoint three commissioners for each of said counties to value each subdivision of said land. Said commissioners shall be freeholders of the State, and qualified electors thereof, and in no wise interested in said land by settlement upon the same or otherwise, or of kin to any one so settled. Said commissioners, so soon as they receive their commissions, shall make and subscribe before the district clerk, or any justice of the peace, an oath or affirmation, in writing, that they are in no wise interested in said land by settlement upon the same or otherwise, and that they will assess the real and true value of each tract or subdivision of said land, situated in such county, without reference to the enhanced value of the same by reason of any improvement thereon, and forward said oath or affirmation to the Commissioner of the General Land Office.

SEC. 6. That the Commissioner of the General Land Office shall forward to one of said commissioners a copy of the maps and field notes, provided for in section four of this act, of the lands embraced in the county for which said commissioners are appointed, so soon as he receives said affidavits.

SEC. 7. That within six months from the receipt of their said commissions, said commissioners shall assess the real value of said lands embraced in their said counties, without reference to the improvements thereon; *provided*, it shall in no case be less than one dollar and fifty cents per acre, and shall make a report thereof in writing, designating the price of each quarter section of said land according to the numbers thereof, and append to said report their affidavit in writing, or the affidavit of any two of them, sworn to and subscribed before any officer authorized to administer oaths, stating that the valuation set forth in their report is a true and correct valuation of the same, which said report shall be by them forwarded to the Commissioner of the General Land Office.

SEC. 8. That said commissioners shall receive for their services for said appraisement three dollars each per day, for each day necessarily employed in making said valuation, and upon presentation of his or their accounts, sworn to before some officer authorized to administer oaths, setting forth the number of days actually employed in making such appraisement, and that no more time is embraced in said account than was actually necessary, the Comptroller shall, upon the approval of the account by the Governor, draw his warrant on the Treasurer for the amounts due said commissioners, to be paid out of the University funds.

SEC. 9. That so soon as said report shall be received, the Commissioner of the General Land Office shall forward a statement to the surveyor of the county or district from which was returned the surveys of said lands, a correct statement of the valuation of the same as made by said commissioners, embraced or situated in said surveyor's county or district.

SEC. 10. That every actual settler on any of said lands, who has fenced and put in cultivation any portion of said land before the passage of this act, may purchase not more than one hundred and sixty acres of said land, and not less than eighty acres, so as to include his improvements, and for the purpose of enabling him to include his improvements, said quarter section on which the improvements are situated may be subdivided into eighty-acre tracts, surveyed at right angles, and he may purchase any of said tracts; but in no case shall such lands be sold in less tracts than eighty acres; and when such quarter sections are so subdivided, the expense of such subdivision shall be paid by the purchaser, and the field notes of each additional survey shall be forwarded to the Commissioner of the General Land Office.

SEC. 11. The county surveyors aforesaid shall keep in their respective offices the maps and statements of the value of said land hereinbefore provided for; and any actual settler who desires to purchase the lands occupied and improved by him, shall, within six months from the date when said surveyor's office is opened for said purpose, file his written application with said surveyor for the purchase of said land, designating the quarter section on which his improvements are situated, and the quantity he desires to purchase, which statement shall be carefully filed and preserved by the surveyor; and he shall make a memorandum thereof, to be entered in a book kept for that purpose, stating the name of the applicant, the quantity of land he desires to purchase, the number or numbers of the tract or tracts on which it is situated, and the date of the application, a certified copy of all which shall be forwarded to the Commissioner of the General Land Office. The surveyor shall be allowed for his services, as provided for in this section, one dollar for each application, to be paid by the purchaser.

SEC. 12. That if the applicant desires to purchase an entire quarter section, or less, he shall, when the application is filed, forward one-tenth of the assessed value of the tract, or tracts, to the Treasurer of the State, who shall forward to such applicant a receipt for the amount received; and such applicant shall make, execute and deliver to the surveyor his obligation in writing, payable to the Treasurer of the State, for the balance of the assessed value of the land, stipulating and agreeing therein to pay ten per

cent. interest on said amount annually, with one-tenth of the principal, for ten years, which interest, with one tenth of the principal, shall be due and payable on the first day of January of each year; but said purchaser may have the privilege of paying the entire amount of principal and interest due at the time of payment, and liquidate his said obligation; and if such actual settlers do not apply to purchase said land within six months, the same shall be subject to sale, the same as other university lands not occupied.

SEC. 13. That all quarter sections of said land on which no person has settled before the passage of this act, or which have not been applied for by an actual settler, as provided in section twelve of this act, shall be sold to the purchaser making application, designating the quantity of land he desires to purchase, when the same proceedings shall be had as provided in section twelve of this act, and the same obligation entered into by the purchaser, with the additional obligation that he will settle upon and improve said lands within six months from the date he so designates; and if he does not settle upon such land within said time, the applicant shall forfeit all right and claim to same.

SEC. 14. That the surveyor aforesaid shall give to such applicant who complies with the requirements of this act a certificate to that effect, designating the quarter section or parts of quarter section by him purchased.

SEC. 15. That the obligation so entered into by the purchaser of the said land shall be forwarded to the Commissioner of the General Land Office by the surveyor, and the said commissioner shall have the same recorded in a well bound book kept for that purpose, and he shall deliver the said obligations to the Treasurer of the State, who shall carefully file the same in his office.

SEC. 16. Said surveyor shall within ten days from the receipt of the statement of the valuation of said lands, as provided in section nine of this act, cause notice of the fact that his office is open for the sale of said lands, to be posted, one at the court house door of the county where his office is situated, and at five other places in his district, and also in some newspaper, if one is published in said county, for at least thirty days.

SEC. 17. The Commissioner of the General Land Office shall procure a well bound book in which shall be kept an account with such purchasers of said lands, showing the amount for which the same were sold and the interest accruing thereon.

SEC. 18. That upon the presentation of the receipt of the Treasurer of the State by any purchaser of said lands, for any amount due him on his obligation to the Commissioner of the General Land Office, said Commissioner shall cause to be entered a credit on

said purchaser's account for said sum, and the date of payment, and issue to him a certificate showing such payment.

SEC. 19. That should the purchaser fail to pay the annual installments, together with the interest thereon, to the Treasurer, and present his receipt to the Commissioner of the General Land Office, on or before the first day of March following the maturity thereof, said Commissioner shall notify the Treasurer of such failure, who shall endorse on such obligation a statement of such failure, and sign his name thereto, and said purchaser shall forfeit all his right and interest in said land.

SEC. 20. That should said purchaser die before the payment of any one installment and interest thereon falls due, his administrators, executors or heirs shall have an extension of twelve months in which to pay the same.

SEC. 21. In case of failure to pay said installments and interest, as hereinbefore provided, by any purchaser, the district attorney shall cause a writ to be issued and served on the purchaser, or in case of his death, upon his legal representatives or heirs, requiring him to show cause why he should not be ejected from such land, and upon his failure to show that he has paid such installments and interest thereon, as above provided, a judgment shall be rendered against him and a writ of possession be issued in favor of the State.

SEC. 22. In case said purchaser desires to sell such lands after he has settled upon the same, as above provided, he may do so; but in that event his vendee shall substitute his obligation in lieu of the obligation of his vendor, and settle upon the same in accordance with section thirteen of this act.

SEC. 23. Said lands shall be subject to taxation from the date of purchase.

SEC. 24. That the proceeds arising from the sale of such lands shall be paid into the University fund.

SEC. 25. Upon final and full payment on any purchase made under the provisions of this act, the Commissioner of the General Land Office shall issue a patent to the purchaser making the same, or to his vendee or heirs.

SEC. 26. This act shall not affect the rights of any parties who may have purchased any of these lands by virtue of any laws of this State.

SEC. 27. In case any portion of the said University lands are not sold and taken up by actual settlers, as provided for in this act, any other person may purchase the same at not less than the minimum price fixed by the commissioners, and upon the same terms as actual settlers; *provided*, that no person other than an actual settler shall be permitted to purchase less than one hun-



dred and sixty acres; and *provided further*, that if under the provisions of this section any improved lands should be sold, the purchaser thereof shall pay for the enhanced value of said land by reason of improvements, in addition to the appraised value thereof, which enhanced value shall be assessed under oath by two disinterested freeholders of the county where situated; and by them at the cost of the purchaser, be reported to the Commissioner of the General Land Office, who shall add the same to the appraised value of said land under this act, and where other than a settler applies for purchase, his application shall be accompanied by his affidavit, stating that there is no actual settler on the land, and stating further whether it is improved or unimproved.

SEC. 28. That wherever such University lands have heretofore been surveyed, and maps of such surveys exist in the Land Office, the Governor shall, as soon as practicable after the passage of this act, appoint the appraisers, and the land may be sold as soon thereafter as practicable in compliance with the rules and forms prescribed in this act.

Approved April 8, 1874.

## FOURTEENTH LEGISLATURE, CALLED SESSION, JAN- UARY 12 TO MARCH 15, 1875

### MESSAGE OF GOVERNOR RICHARD COKE

January 12, 1875. H. J., p. 69; S. J. p. 66

#### Public Education.

Fifty leagues of land, equal to two hundred and twenty-one thousand acres, have been granted and set apart for a University fund. These lands were granted at an early day, selected chiefly in what is now the most prosperous and flourishing part of the State, and are very valuable. How shall this immense fund be utilized and made available for our present necessities? We need school houses in which to carry on the present system of common schools suggested, plain furniture for them, and an annual fund for repairs. I suggest that we draw on the land endowment for relief from taxation for this purpose. The alternate sections comprising twenty-three millions one hundred thousand acres, by act of the Legislature, approved April 24, 1874, are now offered for sale at a valuation per acre, to be affixed by commissioners, not less than one dollars and fifty cents, payable one-tenth cash and the remainder in nine annual installments, with interest at ten per cent. \* \* \* \* \* As the school fund becomes changed by sales from non-available to available and is magnified in value, it will become the basis for more extended

operations. and the school system may be expanded to embrace wider extremes of scholastic age, longer term if necessary, and higher grades. In the mean time, by using the University fund, as a basis, the land being now by act of April 8, 1874, in market and selling rapidly at good prices, money may be raised by the issuance and sale of bonds for the establishment and organization of one or more universities which, together with the college at Bryan, now nearly ready to go into operation and which it is hoped your honorable bodies will at this session make an appropriation to complete in all respects immediately, will under proper arrangements and administration educate teachers to carry on the common schools.

#### PROCEEDINGS IN THE LEGISLATURE

H. B. 106. By Mr. Easley.

To incorporate Texas University.

[Amended to Wesleyan; later amended to Southwestern.]

H. J. p. 128.

H. B. 593. By Mr. Munson.

To amend an act "concerning the 5 per cent United States University bonds belonging to the State of Texas and used by the late University Board of the State.

Engrossed. H. J. pp. 135, 143, 165, 240.

H. B. 720. By Mr. Hayes.

To make an appropriation to pay the commissioner appointed to value the University lands and also the fees of the surveyors.

H. J. pp. 228, 442, 452, 602, 618, 661.

H. B. 760. By Mr. Douglass.

To relieve purchasers of University lands.

Became a law. H. J. pp. 275, 307, 332, 333, 348, 349, 358, 373, 396, 446, 461, 510; S. J. pp. 390, 392, 445.

H. B. 814. By Mr. Ballard.

To repeal the amendatory act of April 8, 1874, regarding the sale of University lands.

H. J. 389.

S. B. 506. By Mr. Erath.

To amend the acts regarding the sale of University lands.

Became a law. S. J., pp. 123, 152, 178, 193, 411, 433, 468; H. J., pp. 209, 222, 327, 398, 460, 577.

February 15, 1875; H. J. p. 327

Resolution. By Mr. Stuart of Falls.

To request the Commissioner of the General Land Office to fur-

nish a statement of the sales of the University land under the act of April 8, 1874.

February 17, 1875; H. J. p. 347

[Commissioner Groos answered that 16 sales, totaling about 1800 acres, have been made at prices varying from \$2 to \$5 per acre, the average being about \$4.]

#### GENERAL LAWS

H. B. 760; Ch. 48, pp. 60-63; G. 8, pp. 432-435

AN ACT for the relief of persons interested in the University lands, sold under the provisions of an act entitled "An Act for the sale and disposition of the University lands," approved August 30, 1856, and an Act amendatory thereof, approved November 12, 1866.

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That the time for the payment of any sum or sums of money now due, or hereafter to become due, on and for any of the lands heretofore sold under an act entitled "An Act for the sale and disposition of University lands;" approved August 30, 1856, and the act amendatory thereof, approved November 12, 1866, be and the same is hereby extended until the first day of March, 1876; *provided,* that no person shall be entitled to the benefits of this act unless the terms and conditions herein provided are strictly complied with; that to entitle the purchaser, his or her heirs or assigns, to such extensions of time as above provided, he, her or they, shall, on or before the fifteenth day of May, 1875, enter into a new obligation, with two or more sufficient securities, to be delivered to and approved by the agent, hereinafter provided for, securing to the State such sum or sums of money due or owing for said lands, which said obligation shall conform in all respects to the subsisting obligation, except as to the extension of time.

SEC. 2. That if any purchaser of said lands, his or her heirs or assigns, shall fail to pay the amount due or to become due on the purchase of said land as aforesaid, or fail to comply with the first section of this act on or before the fifteenth day of May, 1875, said purchase and sale shall become null and void, and the rights of said purchasers failing, shall become forfeited, and in case such failure is made, as aforesaid, within the time prescribed, then the occupant or occupants of any of said lands, which have been forfeited as aforesaid, may acquire title to the same; *provided,* he, her, or they, shall, on or before the fifteenth day of June, 1875, pay off and discharge the amount of money which may be due or owing from the said purchaser or purchasers, or that said occupants shall enter into bonds or obligations to pay the same by the fifteenth day of

June, 1875, in the manner and under the same terms, restrictions and conditions as are provided for the said purchasers in the first section of this act.

SEC. 3. That whenever satisfactory proof is made to the Commissioner of the General Land Office that any of said purchasers or occupants have paid for said lands, or any tract thereof, under the provisions of this act, and the acts herein above referred to, said Commissioner shall issue and deliver to such person as may have paid for the same, a patent therefor, as required by law for the patenting of other lands of the State.

SEC. 4. That the Governor is hereby authorized and required to appoint an agent for the county of Grayson, and one for the counties of Fannin and Hunt, and one for the county of McLennan, to carry out the provisions of this act, which said agents shall each enter into a bond with two or more good and sufficient securities, to be approved by the State Treasurer, in an amount at least double the probable amount of money which may come into their hands as such agents, conditioned that they will perform all the duties incumbent upon them as such agents, and make at such times as the Treasurer of the State may require, due returns of their acts under the provisions of this act, and will pay over to the State Treasurer, all moneys received by them for said lands. The Treasurer shall furnish said agents with all the necessary blanks, obligation bonds and instructions to carry out the provisions of this act.

SEC. 5. That said agents respectively shall visit the county seats of the counties for which they are appointed, at such times as they may designate for the purpose of carrying out the provisions of this act, and shall publish in the newspaper having the largest circulation in each county respectively the substance of this act, and that they are appointed such agents and notify all parties interested, when and where they may be found for the transaction of the business herein provided for, which said publication and notice shall be published for at least three consecutive weeks before the time appointed for visiting each county seat, that they shall make monthly returns of their actions as such agents to the State Treasurer, and deliver to the State Treasurer all the new obligations which may be made as provided for by this act, and shall pay to the State Treasurer at least once in each month, all the moneys received by them for said lands during the time he may act as said agent; that said agents shall be entitled to receive as a compensation for their services, an amount equal to three per centum on all amounts paid to them and on all obligations taken by them, which shall be paid by the party making the payment or entering into such obligation.

SEC. 6. That if the purchasers or occupants shall fail to pay the amounts due or give their obligation as required by sections one and two of this act by the fifteenth day of June 1875, the



agent or agents shall, under the direction of the Governor, proceed to collect the amount that may be due on any of said purchasers (purchases), as provided by the laws under which said land was sold. The agents respectively shall be entitled to the following fees: For advertising, two dollars (\$2.00); making deed, two dollars (\$2.00); and a commission of four per cent. on the amount collected. If any of said lands should be purchased by the State, the agents shall be entitled to the same fees and commissions as provided for in this section, to be paid out of any university funds; *provided*, the State shall not be subject to the payment of any fees or expenses under this act except in cases where the land sold is purchased by the State; and *provided further*, the State does not relinquish the vendor's lien on any of these lands by reason of the bond and security required by this act.

Approved March 4th, 1875.

S. B. 506; Ch. 51, p. 65. G. 8, p. 437

AN ACT supplemental to and amendatory to the several acts authorizing the sale and disposition of the University lands in the State of Texas.

SECTION 1. *Be it enacted by the Legislature of the State of Texas*, That the settlers on any of the University lands lying within the counties of McLennan and Hill, and conflicting with the grant in the name of Joachin, Moreno, shall not be compelled to pay the amounts due on said land until the suit pending in behalf of said grant shall have been decided, and title to said land settled.

Approved March 6th, 1875.

## JOURNAL OF THE CONSTITUTIONAL CONVENTION, 1875

### PROCEEDINGS IN THE CONVENTION

September 14, 1875; p. 104

Mr. Smith offered the following resolution:

*Resolved*, That the Committee on Education be instructed to inquire into the propriety and utility of incorporating in the constitution the following provisions:

"Sec. —. The Legislature shall establish and maintain a State University as soon as the university fund will permit; also, establish and maintain one school of a high grade of learning, and such primary schools in each county in this State as will insure the gratuitous instruction of all persons in this State within the scholastic age prescribed by law.

"Sec. —. The President of the University shall be the President of the 'Board of Education,' and shall have the supervision and control of public instruction throughout the State, in such manner and under such restrictions as the Legislature may prescribe.

"Sec. —. The moneys and lands heretofore granted, or which may hereafter be granted, for the endowment and support of a university, shall constitute a special fund for the endowment and maintenance of said university; and the Legislature shall not have power to appropriate the university fund, nor the interest thereon, for any other purpose than the endowment and support of said university.

. . . . .

"Sec. —. The Legislature shall, as soon as the public funds are sufficient, carry into effect the provisions of this constitution by appropriate legislation."

Referred to Committee on Education.

September 15, 1875: pp. 119-120

Mr. Erhard offered the following resolution:

*Resolved*, That there shall be a General Superintendent of Schools, and the Governor and Secretary of State shall be *ex officio* members of said board.

1. That whenever the State establishes a State University, he shall with the consent and advice of the Senate, appoint seven Curators.

2. The Legislature shall carefully guard over the University lands, inquire into it whether any are sold; if for cash, how the funds were deposited: if sold on credit, to enforce the payment forthwith, whenever payment is due.

3. Until we have an University the Superintendent shall guard the interest of the University lands; and if any is sold the whole proceeds thereof shall be applied for the use and benefit of the University.

4. If at any time there should be a surplus fund not needed by the University, then said money shall be invested either in United States bonds or bonds of the State of Texas.

5. The foregoing section shall also apply to funds pertaining and belonging to the public school fund, or the public school fund may be loaned on real estate, to be first appraised by three disinterested persons where the property mortgaged lies, and shall be double the value of the amount loaned out.

6. No public school fund or university fund or funds belonging to either shall in anywise be used for any sectarian institution.

7. That the scholastic year shall begin on the first Monday in October of each year.

8. That each teacher of a public school shall teach at least six hours a day, but the hours to begin or end shall be determined by the patrons of each school district.

Referred to the Committee on General Provisions.

September 17, 1875; p. 134

Also, by Mr. Davis of Brazos, the following resolution:

*Resolved*, That section — of article — of the constitution shall read as follows:

'The Legislature shall, as soon as practicable, provide for the establishment of a State University, for the promotion of literature and the arts and sciences, including an agricultural and mechanical department; and the 'Agricultural and Mechanical College of Texas,' established by an act of the Legislature, passed April 17th, 1871, located in the county of Brazos, shall be and is hereby constituted a branch of the State University, for instruction in agriculture, the mechanic arts and the natural sciences connected therewith.

"The University lands and the proceeds thereof, and all moneys belonging to the University fund, and all grants, donations and appropriations heretofore made under former laws of this State, for the maintenance and support of a State University and all other lands and appropriations that may hereafter be granted by the State, shall be and remain a permanent fund for the use of the State University. The interest arising from the same shall be annually appropriated for the support and benefit of said University.

"And it shall be the duty of the Legislature to take measures for the protection, improvement or other disposition of said lands, and, as soon as may be done, to provide effectually for the permanent security and investment of the funds of said State University."

Referred to Committee on Education.

September 18, 1875; p. 149

*To Hon. E. B. Pickett, President of the Convention:*

The Committee on General Provisions, to whom was referred a series of resolutions concerning the Superintendent of Public Instruction and a State University, instruct me to return the same, and recommend that they be referred to the Committee on Education.

C. S. WEST, Chairman.

November 17, 1875; pp. 691-693

*To the Hon. E. B. Pickett, President of the Convention:*

The Committee on Education, to whom was referred the resolution of the delegate from Wood, providing for the establishment and

maintenance of two universities, having carefully considered same, as well as several other resolutions upon the same subject referred to them, direct me to report the following in lieu thereof, and recommend its adoption:

J. W. WHITFIELD, Chairman.

**"UNIVERSITY."**

"WHEREAS, From the earliest period of Texas history the people have, through their representatives, repeatedly expressed a cherished purpose to establish within the State an institution of learning of the highest order, upon what is known as the 'university system,' and have, from time to time, illustrated a design to provide for the ample endowment of the same, in order to place within the reach of their sons, whether rich or poor, an opportunity of acquiring in Texas a thorough education in the classics, and in all the branches of the liberal arts and sciences; and

"WHEREAS, Beside other advantages, such an institution will bring together a large number of young Texans in a common field of continuous intellectual labor, thereby tending to encourage a love of Texas, her history and her institutions; and

"WHEREAS, To this end liberal appropriations have heretofore been made, but not utilized; and

"WHEREAS, In the opinion of your committee, the time has arrived to provide for the practical inauguration of the laudable work of establishing a State university, to this end your committee recommend the adoption of the following as a part of the constitution of the State:

[Here follow Sections 1 to 6, which are the same as Sections 10 to 15, Article VII, of the Constitution of 1876, except that "to be located at or near the city of Austin" is replaced in two places by "to be located by a vote of the people.]

**November 22, 1875; p. 776.**

Mr. Whitfield moved to take up "Article —, University."—Lost.

**November 23, 1875; pp. 781-784**

"Article —, University," taken up and read second time.

Mr. Lockett proposed to amend section 5, line 58, by striking out "Austin" and inserting "Brenham."—Adopted.

Mr. Whitfield moved to strike out the preamble down to section 1.—Carried.

Mr. Robertson, of Bell, proposed to amend section 1, after "Austin," by inserting "or Salado."



Mr. Scott offered the following as a substitute for the amendment:

"Section 1, line 19, strike out the words "to be located at or near the city of Austin," and insert "to be located by a vote of the people of the State."

Mr. Robertson's (of Bell) amendment lost.

The question on Mr. Scott's amendment was put and adopted by the following vote:

YEAS—Abernathy, Allison, Arnim, Barnett, Blake, Blassingame, Brady, Bruce, Burleson, Chambers, Cooke of San Saba, Crawford, DeMorse, Dillard, Dohoney, Ferris, Fleming, German, Graves, Henry of Limestone, Henry of Smith, Johnson of Collin, Johnson of Franklin, Kilgore, Killough, Lacy, McKinney of Denton, Martin of Navarro, Norvell, Rentfro, Robertson of Bell, Scott, Sessions, Smith, Spikes, Wade, Weaver, Whitehead, Wright—39.

NAYS—Abner, Ballinger, Cline, Cook of Gonzales, Erhard, Flanagan, Haynes, King, Lockett, McCormick, Mills, Mitchell, Moore, Murphy, Nugent, Nunn, Pauli, Robison of Fayette, Russell of Harrison, Sansom, Stewart, Stockdale, West, Whitfield—24.

Mr. Wade proposed to amend as follows:

Section 2, line 25, after "sale," insert "or lease." Section 3, line 40, after "sold," insert "or leased." Also in line 44, after "sold," insert "lease."

Mr. McCormick offered the following amendment:

Section 5, line 56, strike out the words "college or" and insert "a."

Lost.

Mr. Sansom proposed to amend line 19 by inserting in lieu of the amendment just adopted the words "at or near the town of Georgetown, county of Williamson."

Lost.

Mr. Darnell offered the following amendment.

Section 4, line 50, insert "Fort Worth."

Lost.

Mr. Graves offered the following amendment:

Section 5, lines 56 and 57, strike out "to be located at or near the city of Austin," and insert "to be located by a vote of the people."

Adopted by the following vote.

YEAS—Abernathy, Allison, Arnim, Blassingame, Brown, Burleson, Cooke of San Saba, DeMorse, Dillard, Dohoney, Ferris, Fleming, Flournoy, German, Graves, Haynes, Henry of Limestone, Holt, Johnson of Collin, Johnson of Franklin, Kilgore, Killough, Lacy, McKinney of Denton, Martin of Navarro, Martin of Hunt, Norvell, Nugent, Robertson of Bell, Scott, Sessions, Smith, Spikes, Stewart, Wade, Weaver, Whitehead, Whitefield—38.

NAYS—Abner, Brady, Chambers, Cline, Darnell, Davis of Brazos, Erhard, Flanagan, Henry of Smith, Lockett, McCormick, Mills, Mitchell, Nunn, Pauli, Rentfro, Reynolds, Russell of Harrison, Sansom, West, Wright—21.

Mr. Dohoney offered the following amendment to section 4, line 50.

By inserting after "therewith" the words "and there shall be established a branch of said university at some eligible point in Northern Texas." Lost.

Mr. Moore offered the following amendment:

Amend line 19 by adding after the word "located" the words "by commissioners, to be appointed by the Governor, as may be provided by law."

Mr. Dillard moved the main question on engrossing the article.

Carried.

Mr. Moore's amendment lost by the following vote:

YEAS—Abner, Ballinger, Brady, Burleson, Cline, Cooke of San Saba, Davis of Brazos, Erhard, Flournoy, Henry of Smith, Kilgore, King, Lockett, Mitchell, Moore, Murphy, Nunn, Pauli, Rentfro, Russell of Harrison, Sansom, Stewart, Stockdale, Wade, West Whitfield—27.

NAYS—Abernathy, Allison, Arnim, Barnett, Blassingame, Bruce, Cook of Gonzales, Crawford, Darnell, DeMorse, Dillard, Ferris, Fleming, German, Graves, Haynes, Henry of Limestone, Holt, Johnson of Collin, Johnson of Franklin, Killough, McCormick, McKinney of Denton, Martin of Navarro, Martin of Hunt, Norvell, Nugent, Robertson of Bell, Scott, Sessions, Smith, Spikes, Weaver, Whitehead, Wright—35.

The article was then ordered engrossed by the following vote:

YEAS—Abernathy, Allison, Ballinger, Burleson, Chambers, Cook of Gonzales, Cooke of San Saba, Darnell, Davis of Brazos, DeMorse, Dillard, Ferris, Flournoy, Graves, Haynes, Henry of Smith, Johnson of Franklin, Kilgore, Killough, King, Lacy, Moore, Norvell, Pauli, Ramey, Smith, Stewart, Stockdale, Weaver Whitehead, Whitfield, Wright—32.

NAYS—Abner, Arnium, Barnett, Blassingame, Brady, Bruce, Cline, Davis of Wharton, Flanagan, Fleming, German, Henry of Limestone, Holt, Lockett, McCabe, McCormick, McKinney of Denton, Martin of Navarro, Martin of Hunt, Mills, Mitchell, Murphy, Nugent, Pauli, Rentfro, Reynolds, Robertson of Bell, Russell of Harrison, Scott, Spikes, Wade—31.

Mr. Whitfield moved to suspend the rules and put the article on its third reading. Carried.

Article read third time.

Mr. Cline moved to strike out all relative to location, in line 19, and insert "to be located near the capital of the State."

**Lost by the following vote:**

YEAS—Abernathy, Abner, Ballinger, Barnett, Brady, Burleson, Cline, Cook of Gonzales, Cooke of San Saba, Davis of Brazos, Davis of Wharton, Flanagan, Flournoy, Haynes, Kilgore, King, Lockett, McCabe, McCormick, Martin of Navarro, Mills, Mitchell, Moore, Murphey, Nugent, Nunn, Pauli, Rentfro, Reynolds, Russell of Harrison, Sansom, Sessions, Smith, Stewart, Stockdale, West, Whitfield—37.

NAYS—Allison, Arnim, Blassingame, Bruce, Chambers, Crawford, DeMorse, Dillard, Dohoney, Ferris, Fleming, German, Graves, Henry of Limestone, Henry of Smith, Holt, Johnson of Franklin, Killough, Lacy, McKinney of Denton, Martin of Hunt, Norvell, Robertson of Bell, Scott, Spikes, Wade, Weaver, Whitehead—28.

Mr. McCormick offered the following amendment:

Amend line 56 so as to read "of a branch college or university."

Mr. McCabe moved to table the amendment.

Lost, and amendment lost.

Mr. Brady proposed to amend by striking out the word "Austin" in line 58, section 5, and insert "Brenham."

Lost.

The article was put upon its final passage, and passed by the following vote.

YEAS—Abernathy, Allison, Ballinger, Chambers, Cook of Gonzales, Cooke of San Saba, Crawford, Darnell, Davis of Brazos, DeMorse, Dillard, Ferris, Flournoy, Graves, Haynes, Henry of Smith, Johnson of Franklin, Kilgore, Killough, Lacy, Moore, Murphy, Norvell, Nunn, Robertson of Bell, Robison of Fayette, Sansom, Sessions, Smith, Stewart, Stockdale, Wade, West, Whitehead, Whitfield, Wright—35.

NAYS—Abner, Arnim, Barnett, Blassingame, Brady, Bruce, Burleson, Cline, Davis of Wharton, Dohoney, Flanagan, Fleming, German, Holt, King, Lockett, McCabe, McCormick, McKinney of Denton, Martin of Navarro, Martin of Hunt, Mills, Mitchell, Morris, Nugent, Pauli, Rentfro, Reynolds, Russell of Harrison, Spikes—30.

### **November 23, 1875; p. 789**

Night session:

Mr. Ramey reported as follows:

Austin, November 23, 1875.

*To the Hon. E. B. Pickett, President of the Convention.*

SIR: Your Committee on Engrossed and Enrolled Ordinances beg leave to report to your honorable body that they have examined and compared "Article —, University," and an ordinance supplementary to an ordinance "to provide for submitting the constitution to a vote of the people, and for a general election under its provisions," and find the same correctly engrossed.

Wm. NEAL RAMEY, Chairman.

CONSTITUTION OF TEXAS, 1876

**Article VII. Education—Public Free Schools; pp. 33-35; G. 8, pp. 811-813**

UNIVERSITY

SEC. 10. The Legislature shall, as soon as practicable, establish, organize and provide for the maintenance, support and direction of a university of the first class, to be located by a vote of the people of this State, and styled "The University of Texas," for the promotion of literature, and the arts and sciences, including an agricultural and mechanical department.

SEC. 11. In order to enable the Legislature to perform the duties set forth in the foregoing section, it is hereby declared that all lands and other property heretofore set apart and appropriated for the establishment and maintenance of "The University of Texas," together with all the proceeds of sales of the same, heretofore made or hereafter so to be made, and all grants, donations and appropriations that may hereafter be made by the State of Texas, or from any other source, shall constitute and become a permanent university fund. And the same as realized and received into the treasury of the State (together with such sums, belonging to the fund, as may now be in the treasury), shall be invested in bonds of the State of Texas, if the same can be obtained; if not, then in United States bonds, and the interest accruing thereon shall be subject to appropriation by the Legislature to accomplish the purpose declared in the foregoing section: *provided*, that one-tenth of the alternate sections of the lands granted to railroads, reserved by the State, which were set apart and appropriated to the establishment of "The University of Texas," by an act of the Legislature of February 11, 1858, entitled "An Act to establish 'The University of Texas,'" shall not be included in or constitute a part of the permanent university fund.

SEC. 12. The land herein set apart to the University fund shall be sold under such regulations, at such times, and on such terms, as may be provided by law; and the Legislature shall provide for the prompt collection, at maturity, of all debts due on account of University lands, heretofore sold, or that may hereafter be sold, and shall in neither event have the power to grant relief to the purchasers.

SEC. 13. The Agricultural and Mechanical College of Texas, established by an act of the Legislature, passed April 17, 1871, located in the county of Brazos, is hereby made and constituted a branch of the University of Texas, for instruction in agriculture, the mechanic arts and the natural sciences connected therewith.



And the Legislature shall, at its next session, make an appropriation, not to exceed forty thousand dollars, for the construction and completion of the buildings and improvements, and for providing the furniture necessary to put said college in immediate and successful operation.

SEC. 14. The Legislature shall also when deemed practicable, establish and provide for the maintenance of a College or Branch University for the instruction of the colored youths of the State, to be located by a vote of the people; *provided*, that no tax shall be levied, and no money appropriated out of the general revenue, either for this purpose or for the establishment and erection of the buildings of the University of Texas.

SEC. 15. In addition to the lands heretofore granted to the University of Texas, there is hereby set apart, and appropriated, for the endowment, maintenance and support of said University and its branches, one million acres of the unappropriated public domain of the State, to be designated and surveyed as may be provided by law; and said lands shall be sold under the same regulations, and the proceeds invested in the same manner as is provided for the sale and investment of the permanent University fund; and the Legislature shall not have power to grant any relief to the purchasers of said lands.

**Legislative Department, pp. 13-14; G. 8, pp. 791-792**

### ARTICLE III. REQUIREMENTS AND LIMITATIONS

SEC. 48. The Legislature shall not have the right to levy taxes or impose burdens upon the people, except to raise revenue sufficient for the economical administration of the government, in which may be included the following purposes:

The payment of all interest upon the bonded debt of the State;

The erection and repairs of public buildings;

The benefit of the sinking fund, which shall not be more than two per centum of the public debt; and for the payment of the present floating debt of the State, including matured bonds for the payment of which the sinking fund is inadequate;

The support of public schools, in which shall be included colleges and universities established by the State; and the maintenance and support of the Agricultural and Mechanical College of Texas;

The payment of the cost of assessing and collecting the revenue; and the payment of all officers, agents and employes of the State government, and all incidental expenses connected therewith;

The support of the Blind Asylum, the Deaf and Dumb Asylum and the Insane Asylum, the State Cemetery and the public grounds of the State;

The enforcement of quarantine regulations on the coast of Texas;

The protection of the frontier.

SEC. 49. No debt shall be created by or on behalf of the State, except to supply casual deficiencies of revenue, repel invasion, suppress insurrection, defend the State in war, or pay existing debt; and the debt created to supply deficiencies in the revenue shall never exceed in the aggregate at any one time two hundred thousand dollars.

P. 52; G. 8, p. 830

#### ARTICLE XVI. GENERAL PROVISIONS

SEC. 30. The duration of all offices not fixed by this Constitution shall never exceed two years.

### FIFTEENTH LEGISLATURE, REGULAR SESSION, APRIL 18 TO AUGUST 1, 1876

#### PROCEEDINGS IN THE LEGISLATURE

H. B. 208—By Mr. Allison.

To amend the act authorizing the sale of University lands.

Replaced by H. B. 377.

H. B. 333—By Mr. Lang.

To authorize and require the Board of Education to invest the proceeds of the sale of University bonds now in the Treasury in 6% State bonds.

Became a law. Same as S. B. 274. H. J., pp. 363, 442, 448, 455, 469, 471. S. J., pp. 452, 462, 486, 865, 876.

H. B. 377—By Mr. Allison.

To amend Section 27 of an "Act amendatory of an act supplementary to an act authorizing the disposition and sale of the University lands" approved August 30, 1856. Approved Nov. 12, 1866. Approved April 8, 1874.

Became a law as S. B. 52. H. J. pp. 189, 577; S. J. pp. 532, 535, 545, 563, 629, 649, 661, 676, 681.

May 30, 1876; H. J. pp. 244, 361

Mr. Jones of McLennan presented the following resolutions:

To ask the Land Commissioner to furnish in full detailed information concerning the sale of each parcel of University land in McLennan and Grayson counties.

S. B. 52—By Mr. Stephens.

To repeal Section 27 of an Act amendatory of an act authorizing the disposition and sale of University lands.

Favorably reported. S. J., pp. 92, 398, 780. H. J., pp. 462, 496, 512, 513, 542, 560, 577, 696, 698.

[Same as H. B. 377.]

S. B. 134—By Mr. Stephens.

To locate and survey 1,000,000 acres for the endowment, support and maintenance of the University of Texas.

Superseded by S. B. 316. S. J., p. 158. H. J., p. 577, 578, 744.

S. B. 274—By Mr. Carroll.

To require the Board of Education to invest the proceeds of the Sale of University Lands in 6% State bonds.

Favorably reported. Replaced by H. B. 333 which became a law. S. J. pp. 340, 348; H. J. pp. 363, 443, 448, 455, 469, 577.

S. B. 316—By Mr. Terrell

To set apart 1,000,000 acres for the establishment and maintenance of the University of Texas, and for this purpose to reserve from location the State lands in Greer county

Engrossed. S. J., p. 420, 454, 689.

S. B. 334—By Mr. Terrell.

To lease 300 square feet of "College Hill" in the City of Austin.

Enrolled. S. J., pp. 491, 506, 808, 822, 831, 860, 880, 884.

S. B. 354—By Mr. Blassingame.

To authorize the Commissioner of the General Land Office to appoint a surveyor of University lands.

Became a law. S. J., pp. 716, 720, 724, 780, 781, 787, 788. H. J., pp. 851, 858, 866.

## GENERAL LAWS

H. B. 377; S. B. 52; Ch. 69, p. 75; G. 8, p. 911

*AN ACT to amend section twenty-seven of "An Act authorizing the disposition and sale of the University lands," approved April 8, 1874, and to validate all sales of eighty acres to any one person,*

*SECTION 1. Be it enacted by the Legislature of the State of Texas,*

*That section twenty-seven shall hereafter read as follows:*

*"In case any of the said University lands are not sold and taken up by actual settlers, as provided for in the act, to which this is amendatory, any other person may purchase the same at not less than the minimum price fixed by the Commissioners, and upon the same terms as actual settlers, and upon the same conditions contained in section thirteen of said act; provided, that no person shall purchase more than one hundred and sixty acres, and not less than eighty acres; and provided further, that if under the provisions of this section any improved lands should be sold, the*

purchaser thereof shall pay for the enhanced value of said land by reason of improvements in addition to the appraised value thereof, which enhanced value shall be assessed under oath by two disinterested freeholders of the county where situated, and by them at the cost of the purchaser to be reported to the Commissioner of the General Land Office, who shall add the same to the appraised value of said land under this act, and when other than a settler applies to purchase, his application shall be accompanied by his affidavit, stating that there is no actual settler on the land, and stating further whether it is improved or unimproved; *provided* that all sales of University lands of not more than one hundred and sixty acres, and not less than eighty acres, made since the 8th day of April, 1874, if made in accordance with the provisions of this act as now amended, shall be deemed as valid as if made after the passage of this act; *provided further*, that nothing herein contained shall be construed so as to validate any sale of land where more than one hundred and sixty acres were bought by any one person, nor where the purchaser has failed to settle upon the land in accordance with this act, and the act to which this is amendatory; and *provided further*, that should there be more than eighty acres of land in one body, the purchaser shall take the whole, not to exceed one hundred and eighty acres; *provided further*, that the provisions of this act shall extend to and include all University lands that have been sold and afterwards bought in by the State, or have in any manner reverted to and become property of the State."

Approved July 29, 1876.

**S. B. 354; Ch. 89, p. 134; G. 8, p. 970**

*AN ACT to authorize the Commissioner of the General Land Office to appoint a Surveyor.*

SECTION 1. *Be it enacted by the Legislature of the State of Texas, That the Commissioner of the General Land Office is hereby authorized and required to appoint a competent Surveyor, whenever he may deem it necessary to establish the lines and corners, in accordance with the provisions of "An Act authorizing the disposition and sale of the University Lands," approved April 8, 1874.*

Approved August 12, 1876.

**H. B. 333; S. B. 274; Ch. 128; pp. 216; G. 8, p. 1052**

*AN ACT to authorize and require the State Board of Education to invest the proceeds of the sale of University Lands now in the State Treasury, in six per cent State Bonds.*



SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That the State Board of Education is hereby authorized and required to invest the proceeds of the sale of University lands now in the State Treasury in six per cent. State Bonds.

SEC. 2. That whenever the interest on the bonds now belonging to the University Fund, together with interest on the bonds contemplated in this act, shall amount to the sum of ten thousand dollars, it shall be the duty of the School Board to collect the same and invest it in the bonds of the State.

Approved August 19, 1876.

## **SIXTEENTH LEGISLATURE, REGULAR SESSION, JAN- UARY 14 TO APRIL 24, 1879**

### **MESSAGES OF GOVERNOR O. M. ROBERTS**

January 14, 1879; H. J. pp. 59-60; S. J. pp. 57-58

#### **STATE UNIVERSITY LANDS**

There have been appropriated, set apart and surveyed already, two hundred and nineteen thousand, nine hundred and six (219, 906) acres of land for the establishment and maintenance of "The University of Texas."

The constitution (art. VII, sec. 11), provides that the proceeds of the sales of said lands shall be invested in the bonds of the State of Texas, if to be obtained, and if not, then in United States bonds, and shall constitute a permanent university fund, the *interest* of which only can be used by the Legislature "to accomplish the purpose declared in the foregoing section"; one-tenth, however, of the alternate sections of the lands granted to railroads, reserved by the State by the act of February 11, 1858, entitled "an act to establish the University of Texas," is not included in, and does not constitute a part of the permanent university fund.

These lands are valuable, estimated to be worth on an average three dollars and a half per acre. Under the present restrictions however, imposed by law, as to *quantity*, and requiring actual settlement thereon, many years will elapse before the sales thereof will materially increase. If removed, in a short while, I respectfully suggest, the available funds thus realized would be amply sufficient to meet the great objects contemplated by the Congress of the Republic and the early Legislature of Texas. To your wisdom I commend these suggestions.

I refer you especially to the report of the attorney general in relation to certain sales of these university lands in the county of McLennan, in which the title of the State has been called in ques-

tion by a recent decision of the United States court at Austin. In any and all instances where the State has sold lands to her citizens and received consideration therefor, in whole or in part, and the title, when adjudicated by a tribunal of competent jurisdiction has been adjudged null and void, then the first duty of the State is to reimburse both the principal and interest thereon to the citizen who may be thus injured by his innocent purchase from the State. But the State cannot be concluded by a judgment in any court to which she was not a party, and cannot be made such under the Constitution, *without her consent*.

January 21, 1879; H. J., pp. 111-112; S. J., pp. 101-102

Inaugural Address of Governor Roberts

\* \* \* Another great benefit generally expected to be derived is from the donation of lands set apart to the permanent common school fund. This, however, will prove delusive if it is expected to raise a fund in a distant future under the present management that will relieve the people from the taxes which they now pay to support the free common schools. For under the present mode of disposing of these lands the scholastic population will increase faster than the fund. And the same thing applies to the lands set apart for the schools for the deaf and dumb, and blind, and for the lunatic asylum. And the same policy will postpone indefinitely the building of a university, which should be erected at the capital of the State for the education of Texas youths, instead of sending them out of the State to be educated, and to return home strangers to Texas.

February 5, 1879; H. J., pp. 262-265; S. J., pp. 202-204

*To the Honorable the Senate and House of Representatives in Legislature assembled:*

The schools of different grades in Texas demand the attention and fostering care of the Legislature. Upon their present condition and operation I beg leave to submit some views for your consideration. And first upon the University of Texas:

As early as 1839 fifty leagues of land were donated, and afterwards set apart for a state university. That land has been surveyed and is situated in the counties of Cooke, Fannin, Grayson, Hunt, Collin, Lamar, McLennan, Shackelford, and Callahan; there being now unsold 219,906 ½ acres, much of which is very valuable, compared to other lands in the State.

By the act of 1874, page seventy-two, as amended by the act of 1876, page seventy-five, it is obviously intended to have these

lands sold to settlers and to persons who will settle them in tracts of one hundred and sixty acres to one person, to be valued at not less than \$1.50 per acre, payable in ten annual installments with ten per cent. interest. The land being in league tracts, the compensation for surveying and valuing the small tracts thus sold renders their sale expensive. They are selling very slowly as shown by the amount of the permanent university fund derived from their sale.

When, about forty years ago, this liberal donation was made, it could hardly have been anticipated that at this remote period there would be no university in Texas. It has happened from the policy of selling it in small parcels, and by almost hiring settlers to buy it by a long time credit at a low valuation by their neighbors.

Settlers in a tide of immigration have passed over many of these lands of the finest quality for hundreds of miles and bought lands from private owners. If the same policy is persisted in it will be twenty years, and it may be forty years more before Texas will have a university, when its founders and most of their children shall have disappeared from the stage of action. The constitution of 1876 donates to the university one million acres of the public domain, to be surveyed and sold as other university lands, which has not been done.

The means, then, of the University may be stated as follows:

Lands unsold and surveyed, acres.....	219,806 ½
Lands appropriated but not surveyed, acres.....	1,000,000
	<hr/>
	1,219,806 ½
Texas State bonds, 6%.....	\$175,500.00
Texas State bonds, 7%.....	9,000.00
Texas State bonds, 10%.....	44,496.00
Cash to be invested in bonds.....	8,875.18
	<hr/>
	\$237,870.18
Notes for land sold .....	207,600.00
	<hr/>
	\$445,470.18

If steps should be taken now to have the one million of acres public land set apart and all the lands sold, as I have recommended, we may expect in a few years to have a university in Texas. This is equally important as to have common schools, for while the one elevates the masses to a certain degree in the scale of civilization, the other is a necessity in this age to properly direct it in the progress to power and prosperity. It is declared

expressly in the constitution of 1876 that "the University of Texas" shall be located by a vote of the people.

In the same instrument is found the following provision: "The Agricultural and Mechanical College of Texas, established by an act of the Legislature, passed April 17, 1871, located in the county of Brazos, is hereby made and constituted a branch of the University of Texas, for instruction in agriculture, the mechanic arts, and the natural sciences connected therewith."

. . . . .

Under this law of Congress, Texas might have erected a college in which the pupils were supported and taught agriculture and the mechanic arts practically and scientifically, for the purpose of increasing the skilled labor of the country, which seems to be the object mainly contemplated by the convention by the direction given, as above quoted, in making this institution at Bryan a branch of the University of Texas, to be hereafter located by a vote of the people. But before this direction was given by the constitution of 1876, a law was passed by the Legislature, March 9, 1871, organizing this institution in which it was provided that the interest of the fund should be applied by the board of directors appointed for its management, to the payment of the directors, officers, and professors of the college.

. . . . .

By the resolution adopted at said last meeting it will be seen that the college at Bryan has been given a direction more in harmony with the provision in the constitution "for instruction in agriculture, the mechanic arts, and the natural sciences connected therewith." This is obviously intended to be its sphere of action in and as part "of the University of Texas," as contemplated by our organic law; and in reference to it in this point of view, there are certain unquestionable facts that should be borne in mind, namely:

That it could not have been designed by Congress in furnishing to the states donations of land to found agricultural and mechanical colleges to promote the cause of literary and scientific education as taught generally in colleges, universities and academies all over the United States, but rather to educate skilled laborers, as they are taught in Europe, and thereby secure skilled labor at home, instead of importing it from abroad as has always been heretofore done to a very large extent, from the earliest settlement of this continent by Europeans; that those who are highly educated in literature and the sciences generally are seldom found to spend their lives between the plow handles or in the work shop or otherwise, where such learning is or can be made contributory to the



elevation or improvement of labor; that we lack in Texas skilled laborers more than men learned in literature and science that fit them for and induce them to follow the learned professions.

. . . . .  
**PROCEEDINGS IN THE LEGISLATURE**

H. B. 101. By Mr. Reeves.

To refund money not credited to purchasers of University lands.

Failed in Senate. H. J. pp. 158, 229, 899, 1025, 1029; S. J. pp. 865, 876, 899.

H. B. 138. By Mr. Daugherty.

To require the issuance of patents to purchasers of University lands under Act of August 30, 1856.

Became a law. Equal to S. B. 166. H. J. pp. 182, 254, 462, 487, 587, 761, 774; S. J. pp. 246, 446, 519, 555, 567, 586, 830, 842, 924.

H. B. 218. By Mr. Taylor of Fannin.

To extend the payment of dues arising from the sale of University lands.

Failed—unconstitutional. H. J. pp. 286, 631.

H. J. R. 21. By Mr. Douglass.

To authorize the attorney general to institute suit to establish title to University lands in McLennan and Hill Counties.

Became a law. S. J. pp. 212, 213, 216, 267, 283, 293; H. J. pp. 92, 231, 248, 249, 250, 277, 309, 310, 313, 314, 381, 406, 407.

S. B. 166. By Mr. Blassingame.

To require the issuance of patents to purchasers of University land in accordance with the original subdivisions of the act of August 30, 1856. H. J. p. 1228.

S. J. 166 equal to H. B. 138.

S. B. 301. By Mr. Burton.

To better establish the A. and M. school for the benefit of colored youths.

Became a law. S. J. pp. 325, 356; H. J. pp. 921, 1271, 1279, 1281, 1291, 1299, 1315.

S. B. 328. By Mr. Terrell.

To repeal the Revised Statutes in regard to surveying school and University lands.

S. J. pp. 681-683, 689, 690, 693, 694, 721; H. J. pp. 903, 924, 1304, 1373, 1388.

GENERAL LAWS

H. B. 138—S. B. 166; Ch. 39, p. 39; G. 8, p. 1339

*An Act requiring the commissioner of the general land office to issue patents to parties purchasing university lands in accordance with the original subdivisions made under the act approved August 30, 1856.*

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That the commissioner of the general land office be and he is hereby authorized and required to issue patents to all parties purchasing university lands in accordance with the original subdivisions, as made under the provisions of "an act authorizing the disposition and sale of university lands," approved August 30, 1856, where said subdivisions have been made and field notes filed in the general land office in accordance with said act; and if it should appear from actual survey on the ground, conforming to the lines and corners of said original subdivisions, that there is in any subdivision more or less than one hundred and sixty acres, the commissioner of the general land office shall issue patent for the number of acres contained in said subdivision, upon the purchaser paying into the state treasury the amount per acre that the subdivision may have been appraised at; *provided*, that this act shall not affect any rights hereofore acquired under the existing laws relative to said university lands.

Approved March 20, A. D. 1879.

S. B. 301; Ch. 159; pp 181, G. 8, p. 1481

*An Act to provide for the organization and support of a Normal School at Prairie View (formerly called Alta Vista), in Waller county, for the preparation and training of colored teachers.*

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That there shall be established at Prairie View (formerly called Alta Vista), in Waller county, in this state, a normal school for the preparation and training of colored teachers.

SEC. 4. It shall be the duty of the comptroller of public accounts annually to set apart out of the interest accruing from the university fund, appropriated for the support of public free schools, the sum of six thousand dollars for the support of said normal school, and place said sum to the credit of said normal school, and the same may be drawn by the board of directors on vouchers audited by the board or approved by the governor and attested by the secretary; and on filing such vouchers the comptroller shall draw his warrant on the state treasurer for the same from time to time as the same may be needed.

Approved April 19, 1879.

[Batts' Annotated Civil Statutes of Texas, Vol. 2, p. 662 (12734), says: "This has been regarded as unconstitutional and has not been acted upon." This is true in part. University money amounting to \$14,844.75, however, was spent under this act; under Chapter 79, Act of April 1, 1881; and under Chapter 49, Act of July 9, 1879. See page 582 for an opinion of the Attorney General, which, strangely enough, does not deal with the question of constitutionality.]

H. J. R. 24; Number 5, p. 187; G. 8, p. 1487

*Joint Resolution authorizing and directing the attorney general to institute and prosecute such legal proceedings as may be necessary to establish the title of the State to her university lands in McLennan and Hill counties, and to remove all clouds upon said title.*

WHEREAS, Certain persons have set up some pretended claim to certain portions of the state university lands in McLennan and Hill counties, under some sort of pretended titles, derived otherwise than through the state; and

Whereas, many persons have in good faith purchased said lands from the state, and have settled thereon upon the faith of the state's title; and

Whereas, by the act of March 6, 1875, further payments to the state on account of said purchases were deferred until the title to said lands should be settled, and it is to the interest of the state, as well as her duty to the said vendees, to have said title adjudicated and finally cleared and determined, therefore,

SECTION 1. *Be it resolved by the Legislature of the State of Texas,* That the attorney general of this state be and he is hereby authorized and empowered, if deemed necessary to protect the rights of the state, to institute such legal proceedings in the proper courts as he may deem proper and necessary for determining and finally settling the title of the state to all or any portion of the university lands situated in said McLennan and Hill counties.

SEC. 2. *Be it further resolved,* That there is hereby appropriated out of any money in the treasury belonging to the university fund, not otherwise appropriated, the sum of five hundred dollars, or so much thereof as may be necessary, for the purpose of paying the fees of court, cost of taking testimony, and other costs of court necessary in the prosecution of said suit.

Whereas, there is litigation now pending in regard to the lands named in the above resolution, therefore an imperative public necessity exists that steps should at once be taken to guard the interest of the state, therefore, that this resolution take effect and be in force from and after its passage.

Approved February 19, A. D. 1879.

**SIXTEENTH LEGISLATURE, CALLED SESSION, JUNE 10  
TO JULY 9, 1879**

**MESSAGE OF GOVERNOR O. M. ROBERTS**

**June 10, 1879; H. J. pp. 7-8, 11; S. J. pp. 7-8, 11**

Fifth: to provide for the sale of the university lands more expeditiously, and the investment of the proceeds thereof, there being now, of bonds, money and notes belonging to said fund something less than one-half a million dollars, and of lands surveyed and unsurveyed, one million and over two hundred thousand acres, in order that in some reasonable time in the future a state university may be established, which has already been deferred forty years, since the donation of fifty leagues of land to it, and may be deferred forty more under the present mode of selling and not selling its lands.

At one time \$100,000 of the common school fund, and at another time \$100,000 of the University fund were taken for that purpose, and at other times the proceeds of the sale of our New Mexican territory were used to defray the expenses of the State Government. This does not show an entire want of political wisdom in those who controlled our public affairs throughout the whole period, when we come to understand the condition of things under which they acted, so much as it does the great difficulty for any one, under such disturbing causes, continually recurring, to anticipate with any certainty prospective revenues, and prospective expenses, so as to insure their being equal to each other.

**Proceedings in the Legislature**

H. B. 36. By Mr. Goodson.

To change the form of certain securities.

Became a law. H. J. pp. 125, 138, 153, 158, 175, 239, 252, 274, 285, 303; S. J. pp. 246, 250, 256, 281, 282.

S. B. 9. By Mr. Edwards.

To supplement and amend the regular appropriation bill.

S. J. 167.

Senator Ford offered the following amendment:

After the words "Prairie View" in line twenty-eight, add "1600 to be taken from the University fund."

Adopted. H. J. p. 277. Adopted 44 to 31.

S. B. 14—By Mr. Davenport.

To provide for the sale of asylum, university and public free school lands.

Replaced by S. B. 23. S. J. pp. 71, 201, 234, 254.



S. B. 23—By Mr. Lane.

To provide for the sale of alternate sections of land set apart for the support of the public free schools.

Amended to include university lands. Not engrossed. S. J. pp. 71, 201, 234, 254.

#### GENERAL LAWS

H. B. 36; Ch. 18, pp. 16-17. G. 9, pp. 48-49

An Act to change the form of certain securities therein named.

SECTION 1. Be it enacted by the Legislature of the State of Texas, That the coupon bonds in the state treasury to the credit of the University fund, University land sales, the permanent school fund, the Agricultural and Mechanical College fund, the Deaf and Dumb Asylum fund, the Blind Asylum fund and the Lunatic Asylum fund, be changed into manuscript-registered bonds, so framed as to include in each bond as large an amount of each series, belonging to each fund as may be practicable and convenient, to be executed and signed by the governor and treasurer and countersigned by the comptroller, payable to each of these several funds, bearing the same rate of interest and payable at the same periods as set forth in the coupon bonds; and that said bonds, so executed, after being compared and found correct as to amounts due the several funds, and so certified to by the governor, comptroller and treasurer, shall be registered in the comptroller's and treasure's offices.

SEC. 2. That after the coupon bonds are so substituted by the manuscript-registered bonds, the said coupon bonds shall be burned by the comptroller and treasurer in the presence of the governor, and a list of the bonds so destroyed shall be filed in the office of the comptroller and treasurer.

SEC. 3. That hereafter whenever coupon bonds to the amount of ten thousand dollars, shall come into the treasury to the credit of either of the funds named in this bill, they shall be substituted by registered-manuscript bonds as provided for in the first section of this act, and the coupon bonds destroyed as provided in section two.

Approved July 5, A. D. 1879.

S. B. 9; Ch. 49, p. 45; G. 9, p. 77

An act supplemental to and amendatory of an act entitled "an Act to make an appropriation for the support of the State government for the years beginning March 1, 1879, and ending February 28, 1881," approved April 23, 1879.

**AGRICULTURAL AND MECHANICAL COLLEGE**

For cabinet, library and agricultural implements,  
to be expended as may be directed by the  
board to be paid out of interest arising from  
the university fund ..... \$7,500    \$7,500

**PRAIRIE VIEW AGRICULTURAL COLLEGE**

Additional for the branch agricultural college for  
colored youths at Prairie View, to be taken  
from the university fund. . . . . \$1,600  
Approved July 9, 1879.

**SEVENTEENTH LEGISLATURE, REGULAR CALLED SESSION, JANUARY 11 TO APRIL 1, 1881****MESSAGES OF GOVERNOR O. M. ROBERTS**

**January 18, 1881; S. J., p. 24 l, 24m**

She has endowed . . . . [her] University with 1,221,400 acres of land, enough of which have been sold to begin its establishment now.

. . . . That other essential point is an improvement in the execution of the laws for the protection of life and property, both in their expedition and force. That is an imperious necessity resting upon us now. And while giving especial attention to that, we may maintain our public free schools, enlarge our means for their future improvement by the more rapid sale of its land, lay the foundation of an university, encourage our Agricultural and Mechanical College, establish additional normal schools, and thereby give an impetus to our educational interests generally.

**January 27, 1881; S. J. p. 44**

THE EDUCATIONAL INTERESTS OF THIS STATE in all of its grades from the highest to the lowest, should be regulated and adapted to the wants of the people in every condition of life, should have in all of its parts and branches a well defined consistency, and relation of one to the other in the different gradations, and should all be under the same supervisory government, and control, to the extent, that it is fostered by the State government, not including private institutions of learning.

The natural division in the gradation of schools, in order to meet the wants of the people, is into three steps or degrees of education, the common schools for the millions, the academies for

the thousands, and the college or university for the hundreds. So it has been, and ever will be, and the encouragement, and provision for each degree are equally essential, in the effort to elevate society to a high standard of civilization. Attention to either one, to the neglect of any other, will necessarily produce disharmony in its natural order as a system, and a deficiency in the attainment of the desirable objects as an entirety. Being as a whole, placed under the same supervisory control, a curriculum, or course of study could and should be prescribed for and enforced in each grade, so as to be in harmony in, and throughout the different grades established, and so as not to interfere and conflict with one another, in the whole course of education, fostered by the State. Fortunately, Texas is now in condition to initiate measures, that will eventuate in this grand result. We have the means, as you will see exhibited, and explained in the report of the Board of Education, to commence.

#### THE INSTITUTION OF A UNIVERSITY

That, under the Constitution, will require the Legislature to submit the question of its locality to the voters of the State, which I respectfully recommend as proper to be done during the present session. It is much to be desired that it shall be located at the seat of government, at Austin, where forty acres of land were set apart for it, in a most beautiful situation, in laying off the city, indicating thereby the voice of the founders of our institutions, as to where it should be located. It would be here, where the members of the Legislature at every session could conveniently give it their attention and encouragement, and here would be congregated the youths of the county to imbibe common ideas, acquire a love of our State, its history and institutions; and in whatever positions in life they might afterwards be placed, they would be thereby predisposed to think and act on a common design, for the prosperity and glory of their own State. It should be open for females, as well as males, qualified to enter it; and such should be the rule in all of our schools, of whatever grade.

#### ACADEMIES

For a higher degree of education than it is practicable to be furnished in the common schools, and also to prepare persons to enter college, should be provided in every county in the State, under the immediate control of the local authorities, that might be established for that purpose. This could and should be done, by restoring to the counties the four leagues of land, or the proceeds thereof, if sold, which were originally appropriated to each

of them by an act of the Congress of the Republic of Texas in 1839, for the erection and maintenance of an academy. This unfortunately was diverted to the common schools in each county, by a provision of the Constitution of 1876, which should be altered, so as to allow the donation by the State to counties to be devoted to its original purpose, which was wisely conceived, and fully as necessary to a complete system of education, fostered by the State, as common schools, or a university; both of which have adequate funds and means, in bonds, money and lands, if properly managed, without that being added. A neglect of that middle grade of education in our system will induce an impracticable effort on the part of the other two grades to supply its place, and will thereby impair the distinctive sphere that should be occupied by each. In the common schools there would be an effort to prepare persons for the university, which would be a higher standard of education than would be generally practicable, and in the university there would be a lowering of the standard for admittance, that would inevitably lower its character as a high school of learning. There should also now be a reservation of lands to supply the unorganized counties with four leagues each, before all of the public domain is taken up for other purposes. It would be well as far as practicable to locate this reservation for each county within its own limits.

#### THE AGRICULTURAL AND MECHANICAL COLLEGE

being, under the Constitution, a branch of the university, should be placed under the same supervisory control. I respectfully refer to the report of the board of directors, which will be submitted to you, for a full history in the past, and for the present condition of that institution, with the recommendations in the message accompanying it. In addition to what is therein stated, I would submit that it will be found, since that institution, is now, and should hereafter be devoted mainly to the special branches of learning in agriculture and the mechanic arts, as required by our Constitution, and as designed by its endowment, that the leading impediment to its success will be the want of scholars, in different parts of the State, so as to distribute the benefits of that sort of education over all parts of it. In this age of material development much attention should be given to this subject; especially in Texas, where agriculture, in a broad sense, must be for a long time the leading pursuit; and it is to our interest to add to it, as fast as practicable, the benefits of the mechanic arts at home. I would recommend therefore, that one-half a million of acres of the public lands be set apart and donated to that institution, as part



of the university, for its encouragement, and especially to be used in supporting at said institution persons from different sections or districts of the State, so as certainly to procure scholars, and by this means spread skilled labor over the State.

January 28, 1881; S. J., pp. 52-53; H. J., p. 67

I respectfully submit to your honorable bodies the annexed memorial of the committee appointed by the Teachers' Association of Texas on the subject of the State University; and ask for it a respectful consideration, as coming from gentlemen eminent in their profession; and who have given much attention to the subject.

From having had frequent communications from, and conversations with some of those gentlemen during the last two years, I can give full assurance, that they not only feel a deep interest on the subject, but also believe that the time is opportune now to initiate the establishment of the State University, in which I heartily concur with them.

My own views, as to its proper organization, have already been given in my message, recently submitted, for which however, I have no such strenuous predilection, as that I could not most willingly see any practicable mode adopted, and carried out.

To His Excellency, O. M. Roberts, Governor of Texas, Austin, Texas:

At the last annual session of the Teachers' Association of Texas, held at Mexia, in June, 1880, the undersigned were appointed as a committee to present to your excellency the views held by the teachers of Texas concerning the establishment of a State University, and to submit to your Excellency a plan for the organization of the same.

In pursuance of this commission the following memorial is respectfully submitted:

The increasing demand for higher education and the inadequacy of existing institution in the State, to meet this demand; taken in connection with the fact that the resources of the University fund are now amply sufficient to found and sustain an institution of the highest order, induced the Teachers' Association of Texas to adopt by a unanimous vote a resolution urging the immediate inauguration of a State University.

For the accomplishment of this end, which commends itself to the mind of every Texan and every friend of higher education, the following plan of organization is respectfully submitted:

I. One University, and only one, should be organized.

II. The control, management and supervision of the University should be vested in a board to be styled the Regents of the

University of Texas; which board shall consist of one member from each congressional district, to be nominated by the Governor and confirmed by the Senate, to hold office not less than two nor more than ten years. No person holding any office of honor or emolument should be eligible to the position of regent.

III. The board of regents should be empowered and instructed to elect the president of the University, who should be ex officio chairman of said board. The regents should determine the departments of the University, elect the professors, and, by and with the advice of the professors, arrange courses of instruction, appoint tutors and other officers of the University.

IV. The board of regents should fix the salaries of the president, the professors, tutors, and other officers of the University, on such a scale as to command the services of persons eminently qualified for the respective positions, and make all regulations necessary for the government of the University.

V. No religious qualification should be prescribed for admission to any office or privilege in the University, nor should any course of religious instruction of a sectarian character be taught in the University.

VI. The regents should report annually to the Governor the condition and progress of the University.

VII. A committee should be appointed by the Legislature at each session, to attend the annual examinations of the University, and report to the Legislature thereon.

VIII. The reasonable expense incurred by the regents and visiting committee in the discharge of their duties should be paid out of the available University fund.

IX. The Treasurer of the State should be the treasurer of the University.

X. All the expenditures of the University should be made by order of the board of regents, and all moneys needed to meet the same should be drawn on warrant of the Comptroller, based upon the vouchers approved by the chairman of board of regents, and countersigned by the secretary of said board.

XI. The election for the location of the University should be ordered at the earliest date possible.

XII. No part of the University fund should ever be applied to the erection of dormitories, professor's houses, or mess halls.

Trusting that a measure involving such far reaching results for the progress and glory of the State, and the advancement of education which it deserves, we are,

Very respectfully, your obedient servants,

Oscar H. Cooper, Chairman; W. C. Crane, S. G. Sneed, R. W. Pitman, Smith Ragsdale, J. G. James, O. N. Hollingsworth,

On motion of Senator Homan the reading of the message was postponed and referred to Committee on Education.

**February 19, 1881; H. J., p. 149; S. J., p. 125**

The Hon. J. H. McLeary, Attorney-General, and Judge George Clark, of the firm of Clark and Dwyer of Waco, the attorneys in the prosecution of suits in regard to the university lands, situated in McLennan and Hill counties, have had the matter under consideration, and have presented their conclusion as to the best mode of disposing of the subject in the shape of a bill drawn up by them, which I herewith submit, and ask for it favorable consideration and action by the Legislature.

On motion of Senator Houston, the message and accompanying bill were referred to Judiciary Committee No. 1.

[Became a law.]

**March 22, 1881; H. J. p. 293; S. J. pp. 251-252**

As referred to in the report of the late Attorney-General, and in one of my messages during the present session of the Legislature, Messrs. Clark & Dwyer, of Waco, were employed to bring suit or suits to establish the title of the State to a large amount of university lands, adversely claimed under an old Mexican grant, in the counties of McLennan and Hill.

There are about fourteen thousand acres of it, worth thirty-five thousand dollars, occupied by a large number of settlers. By a previous law there were relieved from paying for said lands on account of the dispute in the title. It is greatly to the interest of the University fund, as well as to the settlers, to have the title settled by an adjudication. The suit having to be brought in the county or counties in which the lands are situated it was impracticable for the Attorney-General to bring it or attend to it. Hence, upon the recommendation of the Attorney-General, those attorneys were retained and employed to bring the suit which they have done.

I herewith transmit to you copies of the request of the Attorney-General, of the contract entered into, and of a letter lately written to the present Attorney-General upon the subject, from which the whole transaction may be seen, and from which will be exhibited the necessity of making further provisions by the legislative action for the future prosecution of the suit.

In consideration thereof, I respectfully recommend that at least three thousand dollars be appropriated, either out of the interest of the university fund or out of the general revenue, for that purpose, and that the former appropriation of seven-hundred and fifty

dollars for costs and expenses, made in 1879, and which has not been used, be renewed.

This suit may be continued for several years, and be carried to the higher courts, and will doubtless require much labor and expense in attending to it.

Suits of such magnitude cannot be attended to properly for the State without the employment of able attorneys, and expending money, when necessary, in procuring evidence, especially when they are in courts that the Attorney-General cannot attend, consistently with his business in his office at the capitol.

#### **Attorney General George W. McCormick's Letter to Governor**

Dear Sir: Referring to our conversation in regard to taking steps to clear the title of the State to her university lands in McLennan county, some days since, I have the honor to suggest, in view of the importance of the matter, and the fact that those connected with this office cannot give it the necessary attention, that you employ counsel to institute such suits as may be necessary.

The joint resolution relative to these lands, passed at the late session of the Legislature, appropriated the sum of five hundred dollars to pay the necessary costs of court, but made no appropriation for attorney's fees. As the suits must be instituted in McLennan county, it is absolutely important that the State have resident counsel there, and the county attorney, though willing to aid this office, is of opinion that he is under no legal or moral obligation to do so for nothing. I have therefore spoken to Hon. Geo. Clark, of the firm of Clark and Dwyer, who will undertake the prosecution of the matter. We have embodied in the herewith enclosed form of agreement about our conclusions as to the fee to be paid them for their services, etc.

#### **(Copy of Contract.)**

1. That the State of Texas has employed and retained, and by these presents does employ and retain the said Clark and Dwyer as her attorneys in the prosecution of a certain suit or suits against certain persons who have set up some pretended claim to certain portions of the State University lands in McLennan and Hill counties,

2. The State of Texas further agrees to pay to said Clark and Dwyer a cash retainer of five hundred dollars (\$500.) as her attorneys aforesaid; and further stipulates and agrees at the approaching



session of the Seventeenth Legislature, the Governor will recommend and secure, if practicable, a legislative endorsement of this contract and the appropriation of a reasonable sum as an adequate fee for the professional services of said Clark and Dwyer rendered or to be rendered in said suit or suits; and the further continuance of said Clark and Dwyer in said cause or causes will be contingent upon such endorsement and appropriation.

Oct. 8, 1881.

[Here follows a letter from Clark and Dwyer, dated March 14, 1881, dealing with the question of their fee, which is placed at \$3,000.]

April 1, 1881; S. J. p. 303

*To the Honorable Senate of the State of Texas:*

I respectfully ask the advice and consent of your honorable body to the following appointments:

For Regents of the University of Texas:

Hon. T. J. Devine, of Bexar County.

Dr. Ashbel Smith, of Harris County.

Gov. James W. Throckmorton, of Collin County.

Gov. Richard B. Hubbard, of Smith County.

Gov. E. M. Pease, of Travis County.

Dr. James H. Starr, of Harrison County.

Mr. A. N. Edwards of Hopkins County.

Prof. Smith Ragsdale, of Parker County.

Respectfully submitted,

O. M. ROBERTS, Governor.

April 1, 1881; S. J., p. 304

*To the Honorable Senate of the State of Texas:*

Learning that there is some objection to the name of Governor E. M. Pease, and not having consulted him on the subject of sending in his name as one of the Regents of the University of Texas, I beg leave to substitute the name of James H. Bell, of Travis county, in his place.

O. M. ROBERTS, Governor.

Senator Shannon moved to consider the appointments in the executive session to be held today. Adopted.

## ADDRESS OF LIEUTENANT GOVERNOR L. J. STORY.

January 18, 1881; S. J., p. 240, 24 p

## THE UNIVERSITY

And, again, what Texan's heart does not throb with delight as he contemplates the prospects before us, and, as I believe, in the near future, for the erection of a first class State University? Already the princely fund provided by our patriot fathers for this purpose is believed to have reached the value of two and a half million of dollars, and the demand is coming up from every quarter, that this Legislature shall declare that it is now "practicable," and that it shall proceed to "establish, organize and provide for the maintenance, support and direction of a university of the first-class, . . . to be styled "The University of Texas."

Let the good work begin at once and be pressed to an early completion, and, as soon as possible, save Texas the quarter of a million of dollars, annually contributed by her people to build up and support institutions of learning in other States where they send their children to be educated. And, better still, let the heroic deeds of our patriot fathers be studied by the youths of Texas in our own institutions, and from the proud dome of our University, as it towers above the hill tops of this capital city, let them map out for themselves the pathway to fame and to fortune. With these great responsibilities, this grand work before us, may I not repeat, that these legislative halls present the broadest field for usefulness to the statesman of Texas. Here his earnest effort and patriotic devotion to his country's cause must yield to her the richest reward in everything necessary to advance her civilization, her material wealth and her political power, while for himself he may rightfully lay to his own soul the flattering unction, that he has not labored in vain.

## PROCEEDINGS IN THE LEGISLATURE

H. B. 393—By Mr. Hutcheson, as Chairman of Committee on Education.

An act to establish the University of Texas.

Ordered printed (Feb. 7). Replaced by S. B. 98, H. J. pp. 77, 127, 128, 128y [H. B. 393 on manuscript bill, H. B. 366 on printed bill.]

H. B. 492—By Mr. Hutcheson.

To appropriate the remainder of the public domain for education, one-fourth each to the public schools, University, A. & M. College, and Normals.

Unfavorably reported. H. J. pp. 1281, 158. File 199, Office of Secretary of State.

H. B. 536—By Mr. Finlay.

To protect the title of the State to the University lands in Hill and McLennan counties.

Replaced by S. B. 290. H. J. pp. 164, 304; S. J. pp. 253, 255, 256, 278, 288, 292, 306. . . . H. J., p. 258.

H. B.—By Mr. Stribbling.

An act for the relief of the actual settlers on the University lands in Shackelford county.

H. J. p. 270.

H. B. 570.—By Mr. Daugherty.

To provide for the issuance of bonds of the State for the funds derived from the sale of lands belonging to the University and the public schools.

Became a law as S. B. 134.

H. J. p. 128h.

February 14, 1881; H. J., 128x

Citizens of Jefferson petition for the location of the Medical Department at Galveston.

February, 1881; H. J. 128y

Announced to House that Senate had passed S. B. 98, establishing University of Texas.

March 23, 1881; H. J., pp. 304-305

February 7, 1881.

*Hon. George R. Reeves, Speaker of the House of Representatives:*

Your Committee on Education, to whom was referred House resolution inquiring of them whether additional normal schools, will be established, have had the same under consideration, and instruct me to report to the House the recommendation that there be established at least two normal schools, provided that the same be supported out of the general revenue, and that hereafter the tuition only be paid by the State.

HUTCHESON, Chairman.

The following minority report from the Committee on Educational Affairs was submitted:

February 8, 1881.

Hon. George R. Reeves, Speaker.

The undersigned, minority of your Committee on Education, to whom was referred a resolution of the House instructing said committee to inquire into the expediency of establishing one or more additional normal schools in the State of Texas, beg leave to decline to concur in majority report of said committee, and ask that said majority report be not adopted for the following reasons:

. . . . .  
3. The Constitution contemplates the establishment and support of a system of public schools accessible to all the children of the State, and of a university, of which the Agricultural and Mechanical College at Bryan is a branch. We think that all the energies of the State and all the capital that can be spared for educational purposes should be concentrated upon these in order to insure complete success, and we submit that the University, when properly established, will be the proper source from which to draw a supply of competent teachers.

. . . . .  
For these reasons we cannot concur in the majority report, and recommend that the same be not adopted.

GEORGE W. L. FLY.

J. P. AYRES.

JOHN A. PEACOCK.

S. B. 7—By Mr. Gooch.

To set apart alternate section of land surveyed in the State by and for railroads and other works of internal improvements for the benefit of the University and other school purposes.

S. J. pp. 102, 109, 113, 130, 139, 142, 159; H. J. p. 194.

Lost.

S. B. 50—By Mr. Lane.

To adjust the State's indebtedness to the University fund.

See Lane, p. 198.

S. J., pp. 24g, 70, 72, 302. H. J., p. 111.

S. B. 98—By Mr. Buchanan of Wood.

To establish the State University.

Introduced Feb. 1; made on Feb. 8 a special order for Feb. 11; attempts to amend by Hightower and Stubbs; amended by Gooch with "and to males and females on equal terms"; attempts to amend by Stubbs on Feb. 12; amended by Stubbs on Feb. 12 to permit location of the Medical department at a different place from the Main University; Gooch attempting to amend the amendment.

Became a law.



See Lane, pp. 198-199.

(Committee on Educational Affairs, Todd Chairman, recommended the passage provided Medical not separated from Main. March 7, 1888.)

S. J., pp. 64, 87, 94, 96, 100, 278. H. J., p. 127, 128, 128y.  
S. B. 102—By Mr. Lane.

Appropriation Bill—Giving \$14,000 of University available to Prairie View Normal.

Became a law. See Lane, pp. 200-201. H. J., p. 285.  
S. B.—By Mr. Martin of Cooke.

To provide for manuscript State bonds in which to invest school and University funds.

Became a law, after amendments. See Lane, p. 199. S. J., pp. 81, 125, 145, 292, 295, 306, 307. H. J., p. 191.  
S. B. 290—By Mr. Ross.

To provide for the protection of the title of the State to the University lands lying in Hill and McLennan counties.

Became a law. See Lane, p. 199. S. J., pp. 253, 255, 256, 278, 288, 292, 306. H. J., p. 164, 304.  
S. B. 299—By Mr. Buchanan of Wood.

To amend S. B. 98.

S. J., pp. 282, 284, 289, 292, 295, 302. H. J., p. 344.

Became a law.

**January 31, 1881; S. J., p. 56; Lane, p. 198**

#### Miscellaneous

Senator Wynne offered the following resolution:

*Resolved*, That the Committee on Educational Affairs be requested to consider the propriety of establishing a State University and report their action by bill or otherwise.

#### Differences Between H. B. 393 and S. B. 98.

H. B. 393, Section 1 is the same as the first sentence of S. B. 98, Section 1.

H. B. 393, Section 2 has August where S. B. 98, Section 2, has September.

H. B. 393, Section 3 is the same as S. B. 98, Section 3.

H. B. 393, Section 4 is the same as S. B. 98, Section 4.

H. B. 393, Section 5 is the same as S. B. 98, Section 5 with the difference that H. B. 393 has "To consist of one member from each Congressional district," where S. B. 98 has "To consist of eight members selected from the different portions of the State."

H. B. 393, Section 6 is the same as S. B. 98, Section 6.

H. B. 393, Section 7: The regents shall establish and have executed a common seal, the design of which shall be the lone star engraved, and around the same "The University of Texas," inscribed.

H. B. 393, Section 8: The regents shall have power, and it shall be their duty to elect the president of the University who shall be ex officio president of the Board of Regents, establish the departments of a first class University, determine the professorships, appoint the professors, a secretary, a librarian, and the requisite number of tutors and other officers, to fix their respective salaries, and to enact laws for the government of the University.

H. B. 393, Section 9 is the same as S. B. 98, Section 9.

H. B. 393, Section 10, is the same as S. B. 98, Section 10.

H. B. 393, Section 11: The regents, previous to the election of the president of the University, and in his absence, shall elect a president pro tem.

H. B. 393, Section 12 is the same as S. B. 98, Section 11.

H. B. 393, Section 13 is the same as S. B. 98, Section 12.

H. B. 393, Section 14 is the same as S. B. 98, Section 13, plus Second: to take such action as may be deemed advisable, with reference to the selection of the President of the University.

H. B. 393, Section 15 is the same as S. B. 98, Section 14.

H. B. 393, Section 16 is the same as S. B. Section 15, plus "After the President of the University shall have been elected."

H. B. 393, Section 17 is the same as S. B. 98, Section 16.

H. B. 393, Section 18 is the same as S. B. 98, Section 17.

H. B. 393, Section 19 is the same as S. B. 98, Section 18.

H. B. 393, Section 20 is the same as S. B. 98, Section 19.

H. B. 393, Section 21 is the same as S. B. 98, Section 20.

H. B. 393, Section 22 is the same as S. B. 98, Section 21.

H. B. 393, Section 23: There shall be appointed by the Legislature at each regular session a Board of Visitors, who shall not exceed five in number and consist of educated and accomplished scholars who shall attend the annual examinations of the University and its branches, and report to the Legislature thereon.

H. B. 393, Section 24 is the same as S. B. 98, Section 23.

H. B. 393, Section 25 is the same as S. B. 98, Section 24.

## GENERAL LAWS

**S. B. 290; Ch. 73, p. 76. G. 9, p. 168**

*An Act to provide for the protection of the title of the State to the University lands lying in McLennan and Hill Counties.*

WHEREAS, Certain parties have disputed the title of the State to certain of the University lands lying in McLennan and Hill Counties,

and certain suits are now pending in regard to the said lands in the district court of McLennan County; and

WHEREAS, There is no provision of law fixing the venue of suits involving the title to the said lands in any court holding session near the seat of government; therefore,

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That the governor and the attorney general are hereby authorized to employ competent counsel to defend the title of the State to the university lands lying in McLennan and Hill counties, and to bring all suits, and use such other means as may be necessary to maintain the State's title to said land.

SEC. 2. The sum of three thousand five hundred dollars, or so much thereof as may be necessary, is hereby appropriated out of the interest of the university fund to pay attorneys' fees and other necessary expenses, in carrying out the purposes of this act.

Approved March 30, 1881.

S. B. 98; Ch. 75, pp. 79-82. G. 9, pp. 171-174

*An Act to establish the University of Texas.*

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That there be established in this State, at such locality as may be determined by a vote of the people, an institution of learning, which shall be called and known as the University of Texas. The medical department of the university shall be located, if so determined by a vote of the people, at a different point from the university proper, and as a branch thereof; and the question of the location of said department shall be submitted to the people and voted on separately from the propositions for the location of the main university. The nominations and election for the location of the medical department shall be subject to the other provisions of this act, with respect to the time and manner of determining the location of the university.

SEC. 2. An election shall be held on the first Tuesday of September, 1881, for the purpose of locating the University of Texas, and the governor is hereby authorized and instructed to issue his proclamation ordering an election on said day for said purpose, and returns of said election shall be made in the manner prescribed in the general election law.

SEC. 3. All localities put in nomination for the location of the university shall be forwarded to the governor at least forty days anterior to the holding of said election, and the governor shall embrace in his proclamation ordering said election, the names of said localities; *provided*, that any citizen may vote for any locality not named in said proclamation.

SEC. 4. The locality receiving the largest number of votes shall be declared selected, and the university shall be established

at such locality; *provided*, that the vote cast for said locality shall amount to one-third of the vote cast; but if no place shall receive one-third of the entire vote cast, another election shall be ordered within ninety days of the first election, between the two places receiving the highest number of votes, and the one receiving the highest number at said second election shall be declared to be selected by the people as the location of the University of Texas.

SEC. 5. The government of the university shall be vested in a board of regents, to consist of eight members selected from different portions of the State, who shall be nominated by the governor, and appointed by and with the advice and consent of the Senate.

SEC. 6. The board of regents shall be divided into classes, numbered one, two, three and four, as determined by the board at their first meeting; shall hold their offices, two, four, six and eight years, respectively, from the time of their appointment. From and after the 1st of January, 1883, two members shall be appointed at each session of the Legislature to supply the vacancies made by the provisions of this section, and in the manner provided for in the preceding section, who shall hold their offices for eight years respectively.

SEC. 7. The regents appointed pursuant to the fifth section of this act, and their successors in office, shall have the right of making and using a common seal and of altering the same at pleasure.

SEC. 8. The regents shall organize by the election of a president of the board of regents, from their own number, who shall hold his office during the pleasure of the board. They shall establish the departments of a first-class university, determine the officers and professorships, appoint the professors (who shall constitute the faculty, with authority to elect their own chairman) and other officers, fix their respective salaries, and to enact such by-laws, rules and regulations as may be necessary for the successful management and government of the university; *provided*, that the salaries and expenses of the university shall never exceed the interest on the university fund and land sales fund, or ever become a charge on the general revenue of the State.

SEC. 9. The immediate government of the several departments shall be intrusted to their respective faculties, subject to joint supervision of the whole faculty, but the regents shall have power to regulate the courses of instruction, and prescribe, by and with the advice of the professors, the books and authorities used in the several departments, and to confer such degrees and to grant such diplomas as are usually conferred and granted by universities.

SEC. 10. The regents shall have power to remove any professor, tutor or other officer connected with the institution, when, in their judgment the interest of the university shall require it.



SEC. 11. The fee of admission to the university shall never exceed thirty dollars, and it shall be open to all persons in the State who may wish to avail themselves of its advantages, and to male and female on equal terms, without charge for tuition, under such regulations as the board of regents may prescribe.

[Between "tuition" and "under" in the printed law are to be found, erroneously, "under the regulations prescribed by the regents and all others."]

SEC. 12. The Treasurer of the State shall be the treasurer of the university.

SEC. 13. It shall be the duty of the governor, within thirty days after the location of the university shall have been determined, to convene the board of regents at the city of Austin for the following purposes:

First. To effect the permanent organization of said board.

Second. To adopt such regulations as they may deem proper for their government.

SEC. 14. Meetings of the board shall be called in such manner and at such place as the regents may prescribe, and a majority of them so assembled, shall constitute a quorum for the transaction of business, and a less number may adjourn from time to time.

SEC. 15. It shall be the duty of the board of regents after the organization of the board of regents, to meet at a place chosen for the university for the following purposes:

First.—To establish the departments of the university.

Second.—To define the general plan of the university buildings.

Third.—To advertise for plans and specifications of the same.

Fourth.—To take such action as may be deemed advisable for the creation of professorships and the election of professors.

Fifth.—To take such other action as may be deemed necessary for perfecting the organization of the university.

SEC. 16. After the plan and specifications of the building shall have been adopted, it shall be the duty of the board of regents to advertise for bids for the construction of the same, and to proceed as soon as practicable to the erection of the same. The buildings to be substantial and handsome, but not loaded with useless and expensive ornamentation; *provided*, that the cost of the buildings shall not exceed one hundred and fifty thousand (\$150,000) dollars; *and, provided further*, that said building shall be so constructed as to admit of additions thereto, without marring the harmony of the architecture.

SEC. 17. The regents are empowered, and it shall be their duty to purchase the necessary furniture, library, apparatus, museum and other appliances; *provided*, that the amount expended for said purposes shall not exceed forty thousand dollars.

SEC. 18. The regents shall have authority to expend the interest which has heretofore accrued, and may hereafter accrue, on the permanent university fund, for the purposes herein specified, and for the maintenance of the branches of the university; and the said interest is hereby appropriated for this purpose.

SEC. 19. All expenditures shall be made by the order of the board of regents, and the same shall be paid on warrants of the comptroller, based on vouchers approved by the president and countersigned by the secretary.

SEC. 20. No religious qualification shall be required for admission to any office or privilege in the university; nor shall any course of instruction of a sectarian character be taught therein.

SEC. 21. The board of regents shall report to the board of education annually, and to each regular session of the Legislature, the condition of the university, setting forth the receipts and disbursements, the number and salary of the faculty, the number of students, classified in grades and departments, the expenses of each year itemized, and the proceedings of the board and faculty fully stated.

SEC. 22. There shall be appointed by the Legislature, at each regular session, a board of visitors, who shall attend the annual examinations of the university and its branches, and report to the Legislature thereon.

SEC. 23. The reasonable expenses incurred by the board of regency and visitation, in the discharge of their duties, shall be paid from the available university fund.

Approved March 30, A. D. 1881.

S. B. 102, Ch. 79, p. 91; G. 9, p. 83

*An Act making an appropriation for the support of the State government for the years beginning March 1, 1881, and ending February 28, 1883.*

#### EDUCATIONAL DEPARTMENT.

support of Prairie View Normal Institute for the years ending August 31, 1882, to August 31, 1883, out of the university fund.....	\$6,000	\$6,000
repairs of buildings, purchase library, two mules a wagon, and for miscellaneous property for use of Prairie View Normal Institute out of university fund .....	\$2,000	

*Provided*, that in the qualifications of students for admission into said school a knowledge of the Latin grammar and of Algebra shall not be required.

For the purpose of maintaining, supporting and instructing, free of charge, at the Agricultural and Mechanical College of Texas, one student for each representative in each representative district in the State, one-half of whom shall take an agricultural and the other half a mechanical course, out of the University fund.. \$7,500 \$7,500  
Approved, April 1, 1881.

S. B. 299; Ch. 81, p. 94, G. 9, p. 186

*An Act to amend section five of an act entitled "An act to establish the University of Texas," passed at the present session of the Legislature.*

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That section 5 of an act entitled "An act to establish the University of Texas," passed at the present session of the Legislature, be so amended as hereafter to read as follows:

"Section 5. The government of the University shall be vested in a board of regents to consist of eight members, selected from different portions of the State, who shall be nominated by the governor, and appointed by and with the consent of the Senate; and should a vacancy occur by reason of death, resignation or removal of any of the regents, or from any other cause, at a time when the Legislature is not in session, the governor shall have power to fill such vacancy until the meeting of the next succeeding Legislature."

Approved April 1, A. D. 1881.

## SEVENTEENTH LEGISLATURE, CALLED SESSION, APRIL 6 TO MAY 5, 1882

### MESSAGES OF GOVERNOR O. M. ROBERTS

April 6, 1882; S. J., pp. 8-12; H. J., pp. 12-16

#### UNIVERSITY

Another subject submitted for your consideration is the University of Texas and its branches, with the recommendation that the Legislature shall take such action as may be necessary in everything relating to their government; to the relation between them, to the increase and disposition of their funds; and to take such further action as may be deemed necessary and proper in every respect for the support and maintenance of the Prairie View Normal School, and for the discharge of its debts and liabilities.

In view of the hopes and efforts of those who have heretofore controlled public affairs, in laying the foundations of our institutions, and in view of the interests of those who shall be raised up in Texas to control its future destinies, this recommendation involves the most important matters that will be before the present session of the Legislature. It embraces a numerous variety of considerations, to which your especial attention is respectfully invited. So important did the members of the convention regard this matter of public interest that they made the most minute and specific regulations concerning it in the Constitution. They pointed out how it was to be located, and made provision for its branches; fixed its standard to be of first class; indicated the subjects of learning; enjoined it upon the Legislature as a duty to establish, organize and support it when practicable; prescribed exactly how and by what means that duty should be performed, by indicating what should constitute its permanent fund, and directing the appropriation of the interest on it only for its support. The election for the location of "The University of Texas," provided for by act of the last regular session of the Legislature, has been held, and Austin has been selected for the main university, and Galveston for the medical branch, as declared by the Secretary of State, whose duty under the law it was to receive and count the votes, and declare the result.

On the fifteenth of November last the Board of Regents previously appointed was convened at Austin, held a session of several days, had before them the reports of executive officers, showing the condition of the property and funds of the University, took such action as was then deemed by them necessary, and made a report, with recommendations; all of which has been printed, and will be submitted to you for your examination and consideration.

From these papers it will be seen that its entire means were as follows:

#### PERMANENT FUND

Lands in Tom Green, Crocket and Pecos counties, 1,000,000 acres.

Lands in Cooke, Fannin, McLennan, Shackelford and Callahan counties, 32,335 acres.

Notes in the Treasurer's office to be invested in bonds when collected, \$155,000.

State bonds, 5s, 6s, and 7s, \$332,435.63.

Cash, to be invested in bonds, \$206.69.

#### AVAILABLE FUND

That has and will be on hand first of January, 1883, not including the appropriations made to the existing schools, to wit: A. and M. College, and Prairie View School, \$47,025.11.



As explained in the Comptroller's report, the permanent fund may be increased by action of the Legislature as follows:

Bonds issued in 1867, \$134,472.26.

Interest on them from January 1, 1867, at 5 per cent, to the seventeenth day of April, 1876, that may be invested in bonds if allowed, \$62,473.58.

Comptroller's certificate of indebtedness, \$10,300.41.

Available fund that may be added by action of Legislature in recognizing the validity of the above bonds issued in 1867 and allowing interest on them from April 17, 1876, to January, 1879, when the bonds matured, \$18,209.77.

Upon subsequent inquiry from the Comptroller, I learn that upon the basis as presented in that report, the annual interest on the bonds from the first of January, 1883, which would constitute the available fund, is estimated to be \$20,133.66, and if the bonds amounting to \$134,472.26 should be added to the permanent fund, the interest annually would amount to \$29,980.95. Further, that the annual increase of the available fund from the proceeds of the sales of lands would probably be not more than \$2000. This small increase arises from the provision of the Constitution, that requires the interest accruing upon the land sale notes, as well as the principal, that is annually paid into the State treasury, to be converted into interest-bearing bonds. It is provided, also, by the Constitution that all of the means that has been or may be devoted to the University, whether they be lands, donations or appropriations of money, shall first be converted into interest-bearing bonds of this State, or of the United States, as the permanent fund; and that appropriations out of the accruing interest of said bonds alone is to be applied to the establishment and organization and provision for the maintenance, support and direction of a "university of the first class."

It was provided that the University of Texas should include an agricultural and mechanical department, but inasmuch as an agricultural and mechanical college had then (1875) already been established in Brazos county, it was made a branch of the University of Texas, and to remedy the difficulty of afterwards appropriating general revenue directly to complete the buildings and to furnish the necessary furniture, the Legislature was required, at its next session, to appropriate for those purposes an amount not exceeding \$40,000, which was done, and the appropriation was made and paid out of the general revenue of the State. The Legislature was also required, when deemed practicable, to establish and provide for the maintenance of a college or branch university, for the instruction of the colored youths of the State, to be located by a vote of the people, provided no tax shall be levied and no

money appropriated out of the general revenue, either for this purpose or for the establishment and erection of the buildings of the University of Texas.

That this institution, when established, as well as the Agricultural and Mechanical College, was intended to be a branch of the University of Texas, is manifested by the next and last section under the head of University in the Constitution, which sets apart "for the endowment, maintenance and support of said University and its branches" 1,000,000 acres of land. The Board of Regents of the University, as you may see from their report, provided for eighteen professorships, eleven for the main university and seven for the medical branch. This was prospective, as indicating what would be absolutely necessary in a first-class university when it could be established.

Doubtless other professorships would have been enumerated if there had then been any reasonable prospect of maintaining them by the means under their control. The branch university for colored youths would require a faculty of several professors to start with, and to be increased as the size of the school might make it necessary.

The Agricultural and Mechanical College now has six professors and a president in its faculty, who are paid by the interest of the special fund donated by the United States. If that institution is to be made an agricultural and mechanical department of a university of the first class, a large outlay of means for additional necessary improvements will have to be made, which can be drawn only from the available university fund. The buildings, libraries, and apparatus of various sorts, for the main University and medical department, and ultimately for the branch for colored youths, will require very large outlays of means, which can be drawn only from the interest of the university fund. If Texas ever has a first class university, with all of its branches supplied, it will have forty or fifty professorships. Notwithstanding the obvious inadequacy of the means now provided to meet the requirement of the Constitution of a university of the first class, it is still fortunate that an attempt has now been made to inaugurate it, because thereby a practical insight into what is needed has been obtained in time to supply the want, which might not otherwise have been done. To supply that want I respectfully recommend that at least 2,000,000 acres of land be set apart for the University and its branches, out of the lands reserved to pay the public debt; in support of which I beg leave to submit the following considerations, in addition to the necessity for it, which has already in part been presented:

By the Constitution of 1876, it is declared that one-tenth of the alternate sections of lands granted to railroads, which were set

apart and appropriated to the establishment of the University of Texas, by an act of the Legislature of February 11, 1858, entitled "An act to establish the University of Texas," shall not be included in or constitute a part of the permanent university fund. The act of 1858, here referred to, required the Governor, from time to time, to select these sections, that were by it appropriated to the University and the Commissioner of the General Land Office to designate those thus selected as university sections.

By the provision of the Constitution that has been quoted, it was intended, doubtless, to prevent the selection and designation required by that act, and thereby to leave the one-tenth of the sections with the rest, as constituting a part of the lands belonging to the permanent fund of the public free schools of the State. Had this not been done the University would have had a most magnificent endowment of valuable lands, amounting, at the time it was done, in 1876, to about one million seven hundred thousand acres of land, and by the increase up to the present time of over three million acres.

As a compensation for this, it may be inferred, the convention set apart for the University one million acres of land, which were not located and surveyed until four years afterwards; and being located in extreme western counties, are not proportionately as valuable as an equal amount of lands selected in the mode provided by the act of 1858. Had the tenth sections not been taken away from the University, there would still have been left for the common schools a magnificent endowment. In addition to this an appropriation was made out of the available University fund to pay the expenses of surveying the one million acres of land. There has been, from the early period of the Republic of Texas down through a series of years to the present time, a constant effort, in making endowments for public education, to keep the different grades of it, from the lowest to the highest, according to the wants of each, from the lowest to the highest, in harmony accordingly as each one was thought to need advancement to supply the future wants of the people. At some periods one grade or branch would be favored, and at other times another. Still no time during that long period have those efforts failed in the recognition of the importance of fostering and providing for all the grades of education, from the lowest to the highest, according to the wants of each, so that in the end a complete system of education should be amply provided for. It may be that in this instance the members of the convention intended to get rid of a troublesome matter in the selection of the lands out of those that had been surveyed and were to be surveyed, rather than to inflict any detriment upon the University fund.

The land thus taken away from the University cannot be restored, and it remains to be considered how it may be substituted. By an act of the Sixteenth Legislature there were lands estimated to amount to over 11,000,000 acres reserved to pay the public debt, and for common schools, the proceeds of which to be equally divided. Most of them are situated in the Panhandle and in the Texas and Pacific railroad reservation. They were offered for sale at fifty cents per acre. There were by an act of the last session of the Legislature 300 leagues of land (1,338,400 acres) set apart and reserved for the unorganized counties for common schools, which were allowed to be taken out of this reservation, and is now being surveyed in it. These lands being entirely for common schools, a corresponding amount might be surveyed in the reservation for the University without connecting alternate school lands with the surveys. Some of the reserved lands have been sold and more has been and will be surveyed for sale, before any action can be taken by the Legislature. There will still be left an amount sufficient, if the Legislature acts promptly at this session.

Another consideration is that the bonded debt which the money derived from these lands is designed to pay, has been largely reduced from other sources, and the bonds have greatly increased in price in the market. Our seven per cent bonds, due in 1905, rate at \$140 to the \$100. The six per cent bonds rate not much less, if any, and the five per cent bonds rate at 115. One acre of these reserved lands sold for fifty cents would diminish the amount of our bonded debt a little over thirty-cents. And if the price of the lands was raised to one dollar per acre, then an acre would pay but a little over seventy cents, besides the premium on our seven per cent bonds. If our bonds should continue to enhance in price in the market, as they have done during the three years past, they will simply be beyond the reach of any reasonable investment, and will therefore be substantially out of the market. The payment of the interest on our bonds will henceforth require the appropriation of a small sinking fund, now not more than about \$60,000 per annum, and will gradually decrease every two years, until the bonded debt is discharged. Under these circumstances, the lands can well be spared to increase the endowment of the University and its branches, so as to make it what it is required to be by the Constitution, a university of the first class; and thereby provide for all of the higher grades of education, correspondingly with the magnificent provision already made for common schools. It can be done now safely in reference to the public interests. This is the last chance to do it, by an appropriation of public lands. It must be done soon, or never, without a resort



to taxation by change of the Constitution. Without it is done, the University of Texas, instead of being of *the first class*, will drag along in comparative insignificance for many years to come, until State pride, self-interest and patriotism will conspire to demand that the means shall be furnished, by taxation or otherwise, to raise it to a high standard, commensurate with the intelligence, wealth, and future greatness of this empire State of the southwest. Is it possible that we are going to continue to send off our young men and women to other States and countries to receive an education in the higher branches? or what is no better, if not worse, to perpetually import from other States and countries that have universities of the first class, learned men, statesmen, lawyers, judges, preachers, teachers, scientists, geologists, architects, artisans, engineers, skilled miners, mechanics and agriculturists to take the lead in administering the laws, in elevating our civilization, and generally to develop the vast and varied capacities of this beautiful and grand country of ours? It is to be hoped not, for these are the class of men who must, by their cultivated intellect and skill in their employments, shape and execute the laws, give tone to the social standard, and direct labor of the masses in material development. The whole question about the establishment of a first-class university, and its branches, is, shall Texas give her own native-born sons and daughters the facilities for fitting themselves to occupy those higher walks of life, so necessary in the proper direction of her future destiny, or will she leave her own sons and daughters to be kept in a lower sphere of life, and be therein directed by the learning and skill of strangers, sons and daughters of other States, who will come here and fill the places which her own sons and daughters ought to occupy, and will occupy if they are given a fair opportunity to do it?

Every great State should rear its own men in every stature of manhood, of intelligence and of culture, according to their capabilities, upon its own soil, and thereby engender and preserve an intense homogeneousness in the character of its population, which must result in the concentrated power and elevated prosperity of the whole body politic in association. This full result can be attained only by promoting all of the grades of education, from the lowest to the highest, in harmonious co-operation adapted to the diversified wants of every class of people, whatever may be their pursuits in life. Nor will the benefits of the University and its branches be confined to the sons of the wealthy few. By no means will that be so. Place the facilities of a higher education before the people of this State, make it a reality, make it complete and cheap by a splendid endowment, and youths all over this

broad land, who catch the inspiration of high native talent in our common schools, will, if necessary, struggle up through poverty, and through adversity, by labor and by perseverance, until they will stand in the front ranks of the most gifted and favored in the halls of learning, and afterwards will adorn every sphere of life with their brilliant accomplishments and practical usefulness. So it has been in other countries and so it will be here.

By adding 2,000,000 acres of land to the 1,000,000 of acres heretofore set apart for the University, and making proper arrangements for its disposition, a permanent fund might be accumulated that would ultimately be adequate to meet the expenses of establishing and maintaining a first class university.

One thing that will retard its growth is, that the interest on the sales of lands can not be used as available fund, like the interest accruing on the sales of lands belonging to the public free schools. That difficulty exists also with the county school lands, and therefore it might be practicable to have the Constitution changed as to both of them together in the same amendment. The Constitution is silent as to any other mode of disposing of the University lands, except by sale, and is also silent as to any other mode of realizing an annual available fund for the support of the University than accruing interest on the lands.

A lease of the lands, if found practicable, may obviate the difficulty, by allowing the rents to be paid directly to the regents, for defraying the expenses of establishing and carrying on the institution. The price of the land should at once be fixed, at least at a dollar per acre.

In furtherance of the same object, I respectfully recommend that an act be passed recognizing the validity of the bonds issued in 1867, with the investment of the interest that would belong to the permanent fund, and the appropriation of the interest that would belong to the available fund, as suggested and recommended by the Comptroller in his report that was laid before the Board of Regents, to which reference has already been made.

I would also respectfully recommend that the Board of Directors of the Agricultural and Mechanical branch of the University be dispensed with, and the number of regents be enlarged, so as to incorporate in the same body the directors and regents. There is no use for two boards. A positive disadvantage might often result from a want of harmony between them. With a common control by the Board of Regents over all of the branches, and a provision of ample means to support them all, and build them up gradually together, according to the relative importance of each one, all strife for the advancement of one to the prejudice of the others would not be allowed to exist, and each one could have its

due share of promotion, according to the means at command, and as would best forward the interests of the country.

Your attention is invited to the institutions of learning already established, and in part sustained by appropriations from the University fund, to wit: The Agricultural and Mechanical College and the Prairie View Normal School.

The donation of lands by the United States to induce the establishment of an agricultural and mechanical college was accepted by the State and was converted into Texas State bonds, which bring an interest now amounting, annually to \$14,280. It was provided in the act of donation that none of this money should be expended for buildings or repairs, but should be applied to the maintenance of the school. The State of Texas appropriated (including the appropriation of \$40,000 in 1876) about \$180,000 in the erection of the buildings, and for other improvements of the said college. In 1875 a law was passed organizing said college and providing that the interest of the special fund donated by the United States should be applied to pay the directors, professors and officers of the college, and it has been used exclusively for that purpose. The annual interest now is about \$2200 in excess of the amount necessary to pay the professors and officers. At the last session of the Legislature an act was passed limiting the pay of the directors to their actual expenses incurred in attending the meetings of the board, to be paid out of the interest of the University fund. By the Constitution that went into effect on the seventeenth of April, 1876, the Agricultural and Mechanical College was made a branch of the University of Texas "for instruction in agriculture, the mechanical arts, and the natural sciences connected therewith." I respectfully refer you to "the Report of the Agricultural and Mechanical College," herewith submitted, to show you that it is now an institution especially devoted to those objects. The facts that I have here stated will suffice to show that the resources from which it is to be maintained and improved are the special fund donated by the United States, the University fund, the tuition of the pay students, and the profits of that which may be produced in the agricultural and mechanical operations at the college.

At the last session of the Legislature an appropriation was made out of the University fund, \$7,500 for two years, to maintain and instruct three students from each one of the senatorial districts in the State, making ninety-three in all. The report submitted to you shows the amount required to be appropriated to carry on the school to the end of this appropriation year will be \$3,360.

This school is an experiment, the policy of which was inaugurated by the United States, by the donation of lands, to aid the State in establishing and maintaining it. Its object is to afford facilities for a species of education that will secure skilled labor in our own

country, instead of importing it from other States and countries. It is something that has not heretofore entered into the habits of the people of Texas, and consequently has not been properly appreciated by them as an element of material development. Hence the Legislature made the appropriation to maintain a number of students free of charge, drawn from different parts of the State, whose education and training at the school would exhibit all over the State the great importance of that species of education.

The success of the institution depends largely upon continuing this appropriation and making it adequate so long as it may be necessary to give the experiment a fair trial. In view of the vast material interests in Texas, now awaiting development, there certainly can be no branch of education, above that of a common school, more important than that which would enable the sons of Texas to fill the positions of skilled labor, that must and will be filled by others, if not by them, in building up the future prosperity of the State.

In the organization of this college there was no provision for the admission of colored youths, although the donation made by the United States to maintain it may well be presumed to have been intended for all classes of citizens within the State.

To make some corresponding provision for the colored people, an effort was made in the Fifteenth Legislature (1876) to establish a branch of the Agricultural and Mechanical College for colored youths, which resulted in the passage of a law "to establish an agricultural and mechanical college for the benefit of the colored youths," appropriating \$20,000 "to locate, erect, furnish, and operate said college," and placing it under the control of the board of directors of the Agricultural and Mechanical College.

Instead of the building being erected, the land and buildings of Alta Vista, near Hempstead, were purchased and the school organized, and was kept up with a few scholars for a short time, but was entirely without scholars before January 1, 1879. The said appropriation covered the said purchase and the operating of said school while it was kept up in the shape in which it was first inaugurated. This appropriation was made and paid out of the general revenue, and not out of the University fund. Considering that the Legislature was acting under a constitution that had gone into effect only a few months, it is more reasonable that this was an inadvertance than that they intended to abandon the evident intention of making an addition to the A. and M. College for the benefit of the colored people of the State, compensating them, to some extent, for their not being allowed to enter the college already established, mixed schools of white and colored students being against the policy of the State. It is evident also that this was not intended by the Legislature to be the "college or branch university" referred to



in section 14, article 8, of the Constitution. For in the same section providing for that branch it is expressly provided that its location shall be determined by a vote of the people, and that "no tax shall be levied and no money appropriated out of the general revenue for this purpose," which could hardly have escaped the attention of the Legislature if they had intended by this act to establish "the college or branch university."

The Sixteenth Legislature (1879) passed a law "for the organization and support of a normal school at Prairie View (formerly called Alta Vista), in Waller county, for the preparation and training of colored teachers." This act retained the school under the control of the Directors of the Agricultural and Mechanical College, and the labor feature also as a part of the employment of the students, adding the normal features similar to those in the Sam Houston Normal school, established at the same session of the Legislature, which were certainly not incongruous or inconsistent with the original design of this school, as an addition to the Agricultural and Mechanical College, for the benefit of the colored citizens to special branches of education. This act made it "the duty of the Comptroller of Public Accounts annually to set apart, out of the interests accruing from the University fund, appropriated for the support of public free schools, the sum of \$6,000 for the support of said normal schools." There was, in fact, then no "interest accruing from the University fund" that had been, or could then be, under our present Constitution, "appropriated for the support of public free schools." This was construed to be an appropriation simply out of the University available fund by the Hon. S. H. Darden, then Comptroller, and afterwards so construed, and acted upon by the present Comptroller, Hon. W. M. Brown, until this appropriation for two years was exhausted in the support of said school during its first two sessions, ending in June of 1881, during all which time both features, in the operations of said school, to wit: labor-employments, and the training for teachers, were carried out in proportion to the facilities furnished for them.

To exhibit further the character and relation of the school being thus instituted by the Sixteenth Legislature, according to their own conception of it, reference may be made to two other enactments by them. In the Revised Civil Statutes, adopted at the regular session of 1879, it is styled the "Agricultural and Mechanical College, for the benefit of colored youths, located in Waller county"; and is placed under the "supervision and control of the board of directors of the Agricultural and Mechanical College, located in Brazos county," who were given, in all respects, the same powers, and required to perform the same duties, in reference to the college named, as they are clothed with in reference to the Agricultural and Mechanical College located in Brazos county. This, doubtless, was in-

serted by the digesters before the act reforming the school at that session, and may not have attracted the attention of the Legislature. But not so with the act of the special session of the same Legislature, approved the ninth day of July, 1879, making supplemental appropriations, as follows, to wit:

**"PRAIRIE VIEW AGRICULTURAL COLLEGE"**

"Additional for the branch agricultural college for the colored youths, at Prairie View, to be taken from the university fund, \$1,600."

Upon the convening of the Seventeenth Legislature, in January, 1881, my message presented my views in regard to this school, stating, in substance, that in view of its main benefits, it was simply a normal school, and therefore, it was doubtful whether it could be supported by appropriations out of the University fund; and expressed the same thing in regard to the support of the Sam Houston normal school, out of the fund of the public free schools; and urged the propriety of supporting both of said schools by appropriations from the general revenue; and that, as they were necessary auxiliaries of our common schools, the amounts appropriated to them be deducted from the amount of the general revenue that would otherwise be appropriated and distributed to the public free schools in the counties of the State. Notwithstanding this urgent recommendation, the Legislature persisted in retaining this school as an adjunct to the Agricultural and Mechanical College, and consequently as a part of the University of Texas, by an appropriation act, approved April 1, 1881, in which the following is found, to wit: "Support of Prairie View Normal Institute, for the years ending August 31, 1882, and August 31, 1883, out of the university fund, \$6,000" (each year.) To this was added an appropriation for two mules, a wagon and other things, of \$2,000 out of the University fund.

It is well known that the question as to what was the proper fund out of which this appropriation was to be taken, was duly considered and settled by the Legislature. This doubt about the constitutionality of the appropriation was produced by a consideration of the conflicting conclusions to be drawn from the different laws passed, indicating its object, its organization, and its status in our school system; and the object of my recommendation was to relieve it from that attitude. When, however, the Seventeenth Legislature followed the example of the previous Legislature in appropriating money for its support of the University fund, I considered that there was enough in the history of the Legislature, and the facts pertaining to the school, to justify its being regarded as part of or an addition to the Agricultural and Mechanical College, as it had evidently been by both the Sixteenth and Seventeenth

Legislatures, and therefore I did not object, in the mode pointed out by the Constitution, to the appropriation thus made.

In January last I learned, by a publication of the Comptroller's opinion in the Galveston News of the twelfth of that month, that he had refused to audit accounts made in support of the Prairie View Normal School during its present session upon the ground that the law making an appropriation for its support out of the University fund was unconstitutional and void. The issue thus raised between the Legislature and the Comptroller, by a difference of opinion on that subject, I do not now propose to discuss before your honorable bodies, as I am not officially a party in it. The Legislature being now in session to take such action as may be deemed right and proper, it is only necessary to explain what has been done to sustain the school, notwithstanding that decision.

Shortly after I heard of that decision the Hon. Wm. M. Brown, Comptroller, upon my invitation, did me the courtesy to call on me in my room where I was confined from sickness, and hear from me such arguments as I could then adduce to induce him to audit the accounts as he had been doing, and defer his final decision until the Legislature should be convened. Understanding that he was willing to hold the matter under consideration, I set about presenting my views in a letter to him more fully than I had done. That letter was written not in a spirit of dictation, and with an express recognition of his conscientiousness in the formation of his judgment as to his duty. In the mean time a letter was addressed to me by E. H. Anderson, the principal of the school, stating that the accounts for three months (amounting to \$1863.44) had not been paid, that he had only two weeks supplies, no credit and no money, and expressing the hope that some way could be devised to continue the school. I had written to the Hon. E. B. Pickett, President of the Board of Directors of the Agricultural and Mechanical College, advising that some effort should be made to sustain the school, if it became necessary. No answer was received, but the news of his death reached here before my letter to the Comptroller was finished. The president of the board was the only person authorized by law to convene the board for action. Just as the letter was finished I was informed by the Hon. Wm. M. Brown that he adhered to his decision. I wrote at once to Mr. C. C. Wiggins at Houston, one of the directors of the Agricultural and Mechanical College, suggesting the propriety of his using his influence to get supplies and other means advanced to support the school, upon the faith that the Legislature when it met would provide for the payment of the accounts, to which matter he promptly applied himself.

The publication of my letter having attracted public attention to the condition of the school, several gentlemen generously and voluntarily undertook to aid in advancing means to support the school,

until the Legislature should meet and act on the subject. Messrs. Ellis and Carson, merchants of the city of Houston, have furnished supplies, about \$300 worth per month for February, March and April. Col. James M. Burroughs of Galveston, furnished \$300 in money per month for the months of February and March, and Jas. H. Raymond and Co., of Austin, furnished \$300 in money for the month of April.

Those gentlemen would have furnished more if necessary. Accounts for the supplies and money advanced and expended for the support of the school will be duly made out for approval. Their amounts, with the amounts of the accounts that were rejected, will be furnished to the Legislature.

The accounts for the support of State students at the Agricultural and Mechanical College, not having been approved by the president of the board, E. B. Pickett, could not be audited for payment by the comptroller.

Upon my suggestion, the directors met at the Agricultural and Mechanical College on the ninth of February last, elected a president of the board, and provided for having reports made of their proceedings in regard to both of the schools, which are respectfully herewith submitted. One of their recommendations was that \$2200 of the annual interest of the special fund donated by Congress be set apart to pay teachers in the Prairie View Normal School, that amount not being needed to pay the professors and officers of the Agricultural and Mechanical College. This was doubtless made in anticipation that the Legislature would adhere to its determination to preserve and continue the connection between the two schools. In the event of that determination, I would respectfully recommend not only that to be done, as an act of simple justice to the colored race, in giving them a small share of the benefit derived from the special fund donated by the Federal government, but also that the laws relating to that school be so amended to indicate that connection, by such express and unequivocal terms and provisions as to leave no possible grounds for doubt about it; and also, in any event, I recommend that ample provision shall be made to pay the expenses that have been and may be incurred in the support of said Prairie View Normal School, and to perpetuate its existence as a permanent institution of the State.

In regard to these two schools, considered and treated as they have been by the Legislature as a part of the University of Texas, the practical question is, what substantial benefit would it be to the main University located at Austin, and to the medical department at Galveston, if the appropriations that have been made to support the State students at the Agricultural and Mechanical College and to carry on the Prairie View Normal School were to be withdrawn.



The \$47,000; or at most the \$68,000 of available fund that will have accrued by the first day of January, 1883, supplemented by the subsequently accruing interest annually of \$20,000 or \$29,000, aided by the annual increase of \$2,000 from the sale of lands and the investment of its proceeds, will not be sufficient means to erect the necessary buildings, buy libraries, apparatus, furniture, and other necessary appliances, and pay professors for a first class university, embracing the main university and medical department alone for many years to come.

The continued encouragement of the two schools already established, and in successful operation, will do good in the promotion of education commensurate with the bounty given them. Why cripple them in their progress, in the ineffectual effort to establish and maintain something higher? It would seem to be far more practical to hold on to what has been attained and gradually build up the higher departments as it may be found practicable, by increasing the University permanent fund, as recommended, and by utilizing it more speedily, so that as soon as practicable, it can be made adequate to the support of the University, with all of its branches, in harmonious co-operation. That being done, and our magnificent provision for common schools being also properly utilized, and a free education of every grade, from the highest to the lowest, offered to every class of our citizens, Texas may rear upon her own soil the elements of greatness in the general and elevated intelligence of her people, as well as in her industrial enterprises and products, and thereby fulfil a grand destiny which her fertile soils, her salubrious climate and her large extent of territory invitingly demand of her.

#### THE SALE, LEASING OR OTHER DISPOSITION OF THE PUBLIC LANDS

Another purpose for which the Legislature has been convened is to make further provision for the disposition, by sale, or otherwise, of lands belonging to the public free schools, to the University, to the asylums, and of the lands reserved to pay the public debt.

Our financial condition, our State credit, as indicated by the price of our bonds in the market, our small public debt, our low and diminishing taxes, our railroads, now spanning the State in different directions, the rapidly increasing prosperity of our people and the immensity of their varied products, the vast endowments of lands for educational purposes, our wide extended domains of fertile lands, offered for sale cheaply, have at last been heard of and credited abroad. Consequently population, enterprise and capital are more attracted to Texas now than ever before. They are principally directed towards western Texas, where most of our school lands, University lands and asylum lands, and lands reserved to

pay the public debt are located. Those lands are valuable for grazing and for the raising of small grains, and at present, to no very great extent relatively, for the production of mixed crops, such as are produced with remarkable certainty in most of the settled parts of the State. The scarcity of wood and water in many parts of it makes its present utilization depend largely upon capital and enterprise. Much of it is being utilized for private gain by the grazing of large stocks of cattle, sheep and horses, that are making millions of money for their owners, who have parcelled out the country each by tacit consent, or other agreement, each respecting the other's claim of territory, as if the land belonged to them. These stockmen must now be aware that men of capital are coming thick and fast from other States to buy the lands to make wheat farms and stock ranches, where their stocks are now grazing, unless they buy or otherwise get legal control of the lands themselves.

The time, long deferred, has now fortunately arrived when these lands can be utilized for the benefit of our school children and to build up an University with its branches. Such objects, that are now within our grasp, if we will but reach out for them now, should not be postponed under the plea that the lands should be held up, and offered for sale in small bodies for settlers. This has always been delusive, having for the most part, as may well be suspected, been set up and urged by persons who had lands of their own to sell.

That this policy so long heretofore engrafted on the State, has not had the effect to place settlers on the public lands, is demonstrated by the fact, that although during the last forty years pre-emptions have been granted to settlers, and during that time our population increased many hundred thousands, there were only about eighteen thousand applicants for pre-emptions, and many of them abandoned their claims, and during the five and one-half years that common school lands were offered for sale to settlers, who might purchase only one hundred and sixty acres at one dollar and a half per acre, payable with interest in ten years, there were only about 10,000 acres sold each year. The law of 1879 allowing the purchase of three sections of land, without requiring settlement on them, and that of the last session extending it to seven sections, have given an impetus to the sale by which more than 1,000,000 of acres of school lands have been sold in less than three years.

If these lands should be offered for sale in still larger quantities, on a long credit, with moderately low interest, or if they should be leased upon a reasonable rent, men of both large and small means, can, and will, take up the lands rapidly for stock, and also for farming, where it is profitable, with the peculiar advantage of investing all of their means in stock or farming operations, instead of only a part of them, as is the case in those States where lands can

be obtained only by paying ready money for them. This will readily enlarge our common school facilities, and increase the scholastic term every year, by the rapid increase of the available fund, because the interest on the notes, for which the land was sold as well as the notes can be used annually, and the available fund of the University, and of county school lands, might be increased in the same way, by an amendment of the Constitution, which would be readily adopted if offered to a vote of the people at a regular session of the Legislature. This would make it necessary to create a land agency for the management of this business, either separately or in connection with the State executive officers who now have charge of it, as I have heretofore recommended. I would respectfully refer you to the Report of the Commissioner of the General Land Office for a general view of our land system, and especially to his valuable suggestions about our mineral, and pine timber lands, as to the proper means of utilizing them.

It may be anticipated with a certainty that a vigorous effort will be made to open up the reservation made in 1879, of lands to pay the public debt, and for the common schools, for the location of railroad certificates upon them. For some time those certificates have been issued with the full knowledge on the part of those who demanded and received them, and of those who sold and bought them generally, that the public lands subject to location were nearly, if not quite, exhausted, and hence the market price has been, and is, less than ten cents per acre. They have been bought on speculation, and if the owners generally could get one-third of them located on good pastoral or farming lands, a good profit would be realized. Still it is doubtful whether or not they would be satisfied with it, if such an arrangement could be made through the passage of a law shaped as it may be.

If the grounds of an equitable claim upon the State is left behind to linger and get strength by the oblivion of the facts now well known, the larger the future claim for compensation, the more dangerous to the interests of the State it will be. Texas has had a sore experience in claims of this sort in the instances of Peter's and Mercer's colony contracts, as well as in others, of which it is not yet entirely clear, after the lapse of nearly forty years. The alternative is presented to the Legislature between the opening of the reservation to the location of certificates, except to the claim set up for the University, or the retention of the reservation with the entailment of a lobby prosecution of the claim for all time to come, until some sort of a compromise shall have been effected, as has been the case in other claims. Whatever may be your determination of this issue, I respectfully recommend that laws be passed at once to raise the price of lands in said reservation to at least one dollar per acre, and to repeal all laws granting land certificates to railroad companies, which subjects are hereby submitted to you for action during the present session.

May 5, 1882; H. J., p. 145; S. J., p. 90

I respectfully submit herewith to you the communication of the Hon. W. C. Walsh, in relation to the sale of the public free school lands, as provided in section eight, in chapter one hundred and five of the general laws passed at the last session of the Legislature (page 121), under which the said lands will be sold at a ruinous sacrifice and loss of interest. My attention has never been called to this provision until late in the day of yesterday, and it is regarded to be of extreme importance that this law should be amended so that the interest should accrue on the whole amount due upon the sale of said land, instead of upon the annual installment, as therein provided. It is also shown to be very necessary that some further action should be taken in regard to the sale of the pine lands belonging to the public schools.

I beg leave also to call attention to the fact that there is no law providing for the sale, leasing or other disposition of the 1,000,000 acres of University lands. As this Legislature provided for the location and organization of the University, and as the Board of Regents are awaiting your action before determining what they can or should do in the provision for its establishment, it would seem to be proper to utilize those lands as soon as practicable. It is believed that it can now be done.

Said board will be much restricted in their efforts if the bonds issued in 1867 (heretofore styled bonds of doubtful validity) should not be declared valid and the interest thereon be allowed and put into bonds so far as it belongs to the permanent fund, and appropriated so far as it belongs to the available fund of the University.

A corresponding benefit might be given to the common school fund by paying back to it the money heretofore used by being turned over to the general revenue.

By such means both of these funds might now be properly adjusted, so as to have the amounts of money restored that have heretofore been taken from them.

It is respectfully suggested that the work of the Seventeenth Legislature in their laudable efforts to augment these funds for the promotion of education, will be incomplete if the matters here referred to are not acted upon at the present session. I therefore recommend that it be done, if practicable and consistent with your judgment of its propriety.

#### PROCEEDINGS IN THE LEGISLATURE

H. B. 3—By Mr. Woods.

To protect the issuance of land certificates.



H. J. 3. See Lane, pp. 214-215.

H. B. 55—By Mr. Todd.

To set aside 2,500,000 acres for the University out of the public domain.

Died. See Lane, pp. 219-220. H. J. p. 35.

H. B. 58—By Mr. Hutcheson.

To fix the status of Prairie View Normal.

H. J. p. 43.

H. B. 66—By Mr. Baker.

Appropriation bill. Became a law. H. J. pp. 47, 72, 99, 101, 103, 104, 105, 106. S. J. pp. 75, 77, 80, 83, 87, 89.

H. B. 83—By Mr. Bruce.

To provide for Asylum, Capitol, and University sewer.

Died. H. J. p. 62.

H. B. 85—By Mr. Hill.

To provide for sale of timber on University and Asylum lands.

Died on calendar. H. J. pp. 67, 94.

H. B. 90—By Mr. Woods.

To set apart a portion of the public lands for the University and Prairie View Normal.

Unfavorably reported. H. J. pp. 74, 94.

H. B. 91—By Mr. Woods.

To repeal "an act to provide for sale of portion of public lands."

H. J. pp. 74, 94.

H. B. 103—By Mr. Hutcheson.

To recognize and pay the debt of the State to common school and University funds.

Favorably reported. H. J. pp. 105, 119.

H. J. R. 2—By Mr. Mack.

To provide for an election to locate a colored branch of the University.

[At the election held November 7, 1882, Austin received 28,329 votes for the location of the Branch of the University for Colored Youths; Prairie View received 13,160 votes; Houston received 14,000 votes; Palestine received 2,490 votes; Paris received 5,926 votes; Brenham received 2,165 votes; Pittsburg received 1,575 votes; Georgestown received 1,405 votes; and various other towns received a scattering vote amounting to 1,865 votes.

Austin having received the largest number of votes, I hereby declare that Austin has been selected as the location of the Branch of the State University for the Instruction of Colored Youths.

T. H. BOWMAN,

Secretary of State.

Report of the Secretary of State for the year 1882, pp. 5-6.]

Became a law. See Lane, pp. 214, 219. H. J. pp. 51, 72, 120, 124, 134, 141, 142, 147, 148; S. J. pp. 86, 88, 89.

H. R.—By Mr. Ayers.

Requesting Comptroller to furnish status of University fund.

Reply of Comptroller April 8, pp. 27-28 shows that Prairie View Normal had gotten \$14,690.78, A. & M. \$15,210.45.

H. J. p. 5, 27, 28; Lane, p. 215-219.

S. B. 6—By Mr. Stubbs.

To adjust the State's indebtedness to the University fund.

Died on Calendar. See Lane, pp. 211, 212, 213, 223, 224; S. J. pp. 5, 19, 22, 27. H. J. pp. 47, 51, 97, 104, 137.

S. B. 12—By Mr. Wynne.

To amend section 18 of the act establishing the University. See Lane, p. 211. S. J. p. 14.

S. B. 20—By Mr. Stubbs.

To set aside 2,000,000 acres for the University out of the public domain.

Amended by Duncan to 5,000,000 acres. Unfavorably reported in House.

Lane, pp. 211, 212, 213, 214, 266, 267. H. J. pp. 58, 61, 72. S. J. pp. 17, 25, 29, 30, 34, 35, 36.

[See pp. 285-296 for a speech of Senator A. W. Terrell in favor of this bill.]

S. B. 22—By Mr. Swain.

To set aside 3,000,000 acres for the University out of the public domain.

Unfavorably reported in House. See Lane, pp. 212, 213. H. J. pp. 58, 61, 72. S. J. pp. 17, 25, 29, 30, 34, 35.

S. B. 28—By Mr. Davis.

To repeal the "act providing for sale of a portion of the unappropriated domain and the investment of the proceeds.

H. J. pp. 47, 48, 57, 71, 81. Lane, pp. 212-213.

S. B. 51—By Mr. Brown.

To lease University lands.

Passed Senate. S. J. pp. 71, 90, 91, 93. H. J. pp. 150.

April 27, 1882; H. J. p. 97.

Your Committee on Finance, to whom was referred Senate bill No. 6, entitled "An act to adjust the State's indebtedness to the University fund, and make appropriation therefor," have had the same under consideration, and a majority instruct me to report the same back with the recommendation that it do pass.

BAKER, Chairman.

April 28, 1882; H. J., p. 104; Lane, pp. 223-224

Mr. Foster, for a majority of the Committee on Finance, by leave, submitted the following report:

The undersigned, minority of the Committee on Finance, to whom was referred substitute Senate Bill No. 6, entitled "An act to adjust the State's indebtedness to the University fund, and make an appropriation therefor," beg leave to dissent from the views of the majority of said committee, for the following reasons:

1. For the reason that the State is indebted to the common school fund in the sum of \$320,367.13, evidenced by bonds issued November 15, 1864, and the further sum of \$82,168.82, evidenced by bonds issued November 12, 1866, making a total of \$402,535.95, the interest upon which, to July 1, 1892, would amount to \$402,016.68, and we see no reason for giving preference to the University claim over the debt due the common school fund, part of which is a prior claim.

2. The Constitution of the State of Texas contemplates the establishment and maintenance of a "system" of public free schools, beginning with common schools and ending with the University, and in view of the fact that our common schools are yet in their infancy, and open on an average of only about three months of each year, on account of the lack of means with which to maintain them for a greater length of time, and as the existence of the University must, to a great extent depend upon the prosperity and perpetuity of the public free schools of the State, we believe it to be our first duty to apply whatever surplus money the State has to the payment of the interest due the common school fund on aforesaid bonds, if the interest on either claim is paid at this time.

L. L. Foster, Harry Haynes, W. A. Kendall, B. F. Frymier, W. T. Scott, C. L. Wurzbach.

May 4, 1882; H. J., p. 137; Lane, pp. 225-226

Your committee of the whole house to whom was referred substitute Senate Bill No. 6, entitled "An act to adjust the State's indebtedness to the University fund and make appropriations therefor," have had the same under consideration, and instruct me to report the same back with the recommendation that it be indefinitely postponed.

UPTON, Chairman.

The question being upon the adoption of the report of the Committee of the whole House, the report was adopted by the following vote:

Yeas—Anderson, Arnold, Ayers, Benavides, Brown, Burks, Cauthron, Davidson, Denman, Douglass, Faulk, Finlay, Foster, Frymier, Gaither, Granbury, Grant, Haidusek, Haynes, Hill, Johnson, Kendall, Kindred, Linn, Matthews, Nash, Oliver, Oxsheer, Parker, Patteson, Perrenot, Polley, Richarz, Riggs, Roach, Rodrigues, Scott, Smith of Hunt, Stewart of Hopkins, Stribbling, Templeton, Thompson, Upton, Woods, Wooldridge, Wurzbach—46.

Nays—Baker, Barry, Bennick, Beck, Bruce, Caven, Carleton, Chenault, Chenoweth, Daniel, Evans, Fly, Giegier, Gray, Hutcheson, Kerr, Labat, Lewis, Mack, Matlock, McComb, Merrit Moursund, Paddock, Peacock, Plumly, Ragsdale, Stewart of Kinney, Stringfellow, Story, Tarlton, Tompkins, Todl, Traylor, Truit—35.

Absent not voting, Litnen; Absent on committee duty, Gibson.

We vote aye because the bill discriminates against common schools, which are equally entitled to have refunded the amount due them.

KENDALL.

NASH.

DAVIDSON.

STRIBBLING.

My reasons for voting aye are that the bill embraces large sums of money heretofore reported and admitted to be of doubtful validity, and as such demands mature and careful consideration, which the House cannot give at the present for want of time, we now being within one day of the final adjournment of this extra session of the Legislature.

W. T. SCOTT.

I vote to indefinitely postpone the bill because it proposes to discriminate in favor of the University fund and against the common school fund; because it proposes to pay a debt of \$134,472.26 due the University fund, and the House has refused to permit an amendment to the bill to pay to the school fund a debt of the same and equal validity for the sum of \$402,535.95. I will not consent to the payment of the one without the payment of the other, as I believe the interest of the public free schools of vastly more importance to the public.

FINLAY.

In Re S. B. 20.

Speech of Senator Terrell

Delivered in the Senate, April 19, 1882, on the Bill to Set Aside Two Million Acres of Land to Endow the State University, and a Like Amount for Public Free Schools. Printed Separately.



Mr. President: . . . . I was not consulted in the conception of the bill nor present at its birth. . . . . I propose now to be a sponsor at its baptism. . . . .

I have in my desk a bill which I should have offered . . . . but was relieved by the pending bill.

The effort which the Senator, who has just taken his seat, made to array the friends of public free schools against the University of Texas, and thus to strangle it by withholding an endowment, demands my first notice. If you will turn, sir, to section 48, of the State Constitution, you will find, that among other things which the Legislature may raise taxes for, is included the following, viz: "The support of public FREE schools in which shall be included *Colleges and Universities* established by the State." Interpreting our duty in the light of the plain language of the Constitution, we passed a law at a former session, creating the University of the State, providing an election for its location, and a law for its government. Examine that law, and you will search in vain for anything that will authorize a charge for tuition. That University when properly endowed, so that it may enter on its grand work, will be a *public free school* for every son of Texas who seeks instruction in the higher walks of education; a fountain flowing free as the waters of the Colorado at which all may drink. Why then inject into this discussion the claims of railway land certificates? Why seek to array the friends of common free schools against a common free university, the cap-stone and head of the free school system? I will answer both questions bye and bye.

Examine section 8, of the act of March 30, 1881, and you will find that we provided at that session, "that the salaries and expenses of the University shall never exceed the interest on the University fund, and land sales fund, or ever become a charge on the general revenue of the State."

From this clause it is plain, *first*, that no tuition shall ever be charged, but that high education shall be free, and *second*, that the people shall never be taxed to sustain the institution, but that it shall be supported on the interest of an endowment fund. But as if it were not already plain enough, sec. 11 of that act provides in explicit terms, that "it shall be open to all persons in this State who may wish to avail themselves of its advantages, and to male and female on equal terms, *without charge for tuition*, under such regulation as the board of regents may prescribe." Such, sir, is the institution which we are seeking to endow for the benefit of our posterity, and which has on this floor been denominated a school for the rich. To that sentiment I shall also address myself before I conclude.

It is the misfortune of this session that we can attempt nothing useful for the State without having the claims of railway certificate holders thrust before us. Before we could pass a bill introduced by me to stop the surveying and speculative waste of eight millions of acres of land, in the Pan Handle and Texas Pacific reservation, we had to listen for two days to the argument that railway land certificates should cover that territory—that their holders had vested rights, and I was then accused of seeking to tie up that country for the use of the University. Now when the claims of this free high school are presented, the same cry is raised, and we are told that if we appropriate any of this land to the benefit of our children, it will be an act of bad faith on the part of the State to those who hold railway certificates.

Mr. President, there is another side to this question, which we would do well to pause and consider. The history of the dealings of this State with the University question in late years, is not creditable to the State. The men who established the independence of Texas, made it their first care to provide for education. On page 450 of Oldham & White's Digest of Texas, I find a law of 1858, which remained in force until the Constitution of 1876, which expresses so much better than I can, the feelings that should animate Texas citizens on this subject, that I will read it in full.

[Here quotes from and summarizes act of 1858.] . . . .

"Had that law (Act of 1858) not been disturbed by the Constitution of 1876, the University would not now be a beggar at your door, but would own 3,200,000 acres of land. At the very time when the effort was made to despoil it of its endowment by a clause in the Constitution of 1876, (the effect of which those who made that instrument certainly did not see), there was then due to the University one million seven hundred thousand acres of land. By the Constitution of 1876, all the alternate sections, reserved by the State out of grants to the railroads, including every tenth section given to the University, were appropriated for common free schools, and one million of acres only were given for the endowment of the University.

Thus it will be seen that the Constitution of 1876, in effect, deprived the University of seven hundred thousand acres, which it then owned under existing laws, and deprived it also of every tenth section surveyed since, amounting now to fifteen hundred thousand acres more.

I submit for you reflection whether this action of the convention which made the Constitution of 1876, was not a palpable violation of Sec. II, of Art. XIV, of the Federal Constitution. The fourteenth amendment to the Constitution of the United States, ex-

tends the prohibition to States against passing any law interfering with rights once vested. It says—"nor shall any state deprive any person of life, liberty or property, without due process of law." It can neither be done by the Constitution or laws of a State—and yet, here was the University, a legal entity, created by the act of 1858, endowed with capacity to receive grants, deprived without process of law, of a vast endowment without a question being raised and without exciting a murmur. The reason of this submission is manifest, the victims were children and their only guardian was the State, which perpetrated the wrong.

Sir, the bill we are considering proposed to correct all this as far as we may, and restore to this University—to this free high school, some portion of the land which is rightfully its own and which was dedicated to its support by the law of 1858.

Nor can we do a more just or wise thing than to make restitution in lands to the University.

After forty years of independence and prosperity, where, today, are the distinguished linguists, mathematicians, geologists, civil engineers, or learned men of any sort, who have been educated in our State? There is not one. With great resources always at our control, a generation has been reared with only such opportunities as the country school could afford. If a strange mineral is found in your land, you must send it out of Texas to be assayed, or import a man to tell you what it is. If water works, gas works, or manufactories are to be established in your towns, you must send abroad for educated brain to construct and operate them. If a railroad is to be built, its course and grades must be determined by engineers educated abroad. Nor is this all; the science and skilled labor which we need must be imported from a section which has been instructed by demagogues to look on the South with suspicion and distrust. What has been the result? Your best water power is not utilized, for the people who own it, know nothing of the manufacturing enterprises which give it value, and capital, always timid, comes slowly and with distrust; the mineral viens of your mountaiss remain hidden from your sight, for you have not sent forth to each county the educated geologists to tell you where they are. Your products, instead of being manufactured here at home, bringing in wealth and affording employment to labor, go north to enrich other States, whose educated sons hold a mortgage on all our industries. Hewers of wood and drawers of water for others we must remain, unless advanced education shall relieve us.

We ask for two millions of acres. The champions of the railroad land certificates say that this is too much; that when we have given a like amount to common free schools, there will not

be enough vacant land to go round and satisfy their certificates, and that those certificates constitute a prior claim against the public domain. I maintain the position, that these railroad certificates, all of which were issued since the 14th day of July, 1879, do not constitute a legal and valid claim against the public domain which was set apart from location, and appropriated to free schools and public debt by the act of that date—and though I will make liberal provision for them when the University is endowed, I vote no more acres to satisfy them until then. I have said that these railroad certificates constitute no legal claim against the Pan Handle and Texas Pacific reservation. This is manifest from an inspection of the law under which they were issued, Art. 4274 of the statutes, which adopts the act of August 15, 1876, provides that “when the said certificates have been issued, the company to whom issued, or its assigns, may apply to the surveyor of any land district to survey such lands out of any unappropriated public land in his district.” Thus by the very terms of the law they were made a claim only against “unappropriated” public land. Now turn to act of July 14, 1879, Sec. 1, and we find that all the public land in fifty-three counties of the Pan Handle and Texas Pacific reserve are declared by that act, to be “appropriated,” and reserved from location; that they shall be sold at fifty cents an acre and the proceeds applied, one-half for public free schools, and the other half for the payment of the public debt. There is not an outstanding railroad certificate which was not issued since the passing of that act, and they bear on their face evidence that they are demands only against the “unappropriated” public domain. No language could make more explicit the legislative intent to withdraw from location those lands, and reserve them for the use of the State.

Did the State have the right as against a certificate holder to reserve them? The distinguished Senator from Wood, Senator Buchanan, in his able argument has already referred to the decision of the Supreme Court in the case of Delesdeneer vs. State, which settles that question beyond all cavil in the affirmative. That case decides that the State may, for any purpose she chooses, reserve them? The distinguished Senator from Wood, Senator Therefore I have urged those who have maintained the superior rights of those who hold certificates to cease their opposition to this bill and aid us in endowing the University first, standing myself always ready to make a liberal provision for them out of the remaining public domain on terms that will wipe out and satisfy the last one of them. But this is not sufficient, they claim priority, and my embarrassment is increased by the presence of my own



constituents who hold them in large quantities. . . . I would not only be just, but generous to certificate holders. . . .

The test vote already taken on the pending bill to endow with land the University, shows that two-thirds of the Senate agree with me as to the wisdom of its passage, but views have been expressed on this floor so novel and startling, that I cannot permit them to go unanswered to the country. We have been told by the Senator from Gregg, that if we pass this bill, no land should be surveyed for the University which has been applied for or "filed on," to use his language, under the fifty cents act—that such applications confer on the applicant a *vested* right which the Legislature may not disturb. His doctrine as applied to a railroad certificate file or location, would be sound, but has no application to lands "applied" for, in the Pan Handle and Texas Pacific Reserve.

I am not ignorant of the speculative efforts now being made, outside and inside of the Legislature to shadow the eight millions of acres of that reservation with their applications. . . . Why this sudden excitement to procure lands at fifty cents an acre in the Pan Handle outside of the settlements? I will tell you. They have no idea of paying for them, but speculators everywhere, have in the last few weeks learned that there are more certificates than there is land, and they have flocked to the frontier to make their applications, expecting that their friends here will treat their applications as vested rights, open the Pan Handle to location, and thus each fellow will establish a little land office of his own, and sell out to certificates holders the privileges of making locations on land covered by his applications. This is all legitimate speculation if we permit it, but would we not be blind guardians of the public interest to suffer it? . . .

The friends of education in the House are now striving to send us an act to stop all this, and save the school lands from spoliation, but the shortness of the session, and the mysterious influences which speculative enterprises sometimes exert, may defeat their efforts.

Are we to sit here heedless of the present, and reckless of the future, to register decrees for speculative interests, or rather shall we not rise to the level of our duty, and wrench enough of this land from the grasp of the speculator to meet the demands of education? Already the bill to tie up and stop the surveys in the Pan Handle, which I introduced early in the session, and which we passed, is blockaded in the House, but let us do our duty here, and if the Senators who have thus far sustained me, will stand by me to the end, then of one thing we may be sure, that even if they defeat in the House this endowment for the University, they will

never get through this body a bill to open the reservation to their certificates, and the land will remain for the Legislature which will follow us, to appropriate enough of it for education. Even if it is all sold by that time at fifty cents an acre, there will then be on hand two millions of dollars for common schools, and two millions for public debt, which never cost the tax-payer a dollar and which may itself be appropriated to endow the University. Once before, at a former session, we sent to the House a bill granting two millions of acres for endowment purposes, and, for one, I propose that we continue to demand a just recognition of the duties of the hour and never grant one acre for location, by certificates, until the demands of high education are provided for.

The payment of the public debt can afford no argument against endowing the University with land. We will reduce the *ad valorem* State taxes to 30 cents on the hundred dollars this session, with a corresponding reduction on occupation taxes, and still have a small surplus. Notwithstanding the carping criticisms of the press over our legislation, its wisdom is vindicated in the light of events, for your State Government is increased in its efficiency, taxes are reduced, and over one million of the debt paid in two years, with a surplus still in the treasury. Texas feels that debt now as a mere trifle, and the necessity for reserving one-half of the Pan Handle to pay the public debt, no man will now advocate. If we fail to use the land now set aside for public debt, in endowing the University, but one course remains, and that is, to endow it by taxation. I contemplate such an effort with despair, for a new breed of men must be raised or imported into his State before they will tax themselves two millions of money to endow a University. For this cause I feel earnest in the advocacy of this bill, and if we fail now, the public domain, before the end of another session, will be exhausted or thrown open for location, the cause of higher education will be set back twenty-five years, and your University may languish and perish from neglect.

But we have been told by the Senator from Gregg that the University has been the "spoiled and petted child of the State." It has been fearfully spoiled, for after forty years of promises it was never given a local habitation until last year, and even now has not a room erected in which a class may recite. The child, instead of being petted, is scarcely born, and, thus far, has given no articulate sound, even to complain of systematic spoliation of its rights.

In order that Senators may see that we cannot possibly maintain a University commensurate with the wants of a great State like this, with the funds now belonging to it, we have only to look

to its resources. Remember that under the Constitution, we can only use the *available* fund of the University which consists of the interest on the money invested in bonds which belongs to it—or in other words, the interest on the permanent fund. A first class University cannot be sustained, if it be as ours is, a free school, on less than \$75,000 per annum. Now what are its resources.

[Here quotes from the message of April 6, 1882, of Governor Roberts, S. J., p. 8, the condition of the permanent and available funds.]

The annual interest as estimated by the Comptroller, (which makes the available fund) would be only a little over \$20,000. The annual increase of the available fund from increase sale of lands, will not be over \$2,000 more. We have just sent to the other House a bill providing for the recognition of the debt on the bonds of 'doubtful validity' amounting to over \$134,000, with interest for twenty years. This is the third time the Senate has, by a large vote, sent this claim to the other House, a debt which the State owes for University money used by the State, about which no honest man can doubt, and I fear the House will exhibit its characteristic feeling towards this 'spoiled child' by still refusing to pay it.

Now, out of the meagre annual fund shown by the above figures, the University buildings must be constructed, professorships endowed, an astronomical observatory erected and telescopes procured, a chemical laboratory provided for philosophical apparatus and geological cabinet procured, and the many other things necessary to a first-class University. Even a fool can see that unless a larger endowment in money, or in land that will bring money, is procured, this grand enterprise must perish in its very birth, and our people must continue to send every year, their sons and daughters to other States, with over half a million of money, by actual estimate for their university education, that they may come back Virginians, Kentuckians and Massachusetts people. To permit such a state of things to continue when we can endow without taxing the people one cent, would be not only wrong, but criminal.

And just here, sirs, occurs a passage in the message of Governor Roberts, so full of wisdom, and so eloquent in its terms, that I must read.

[Here quotes from the last two paragraphs of Roberts' Message, S. J. p. 10.]

Such is the message sent to us by the grand old man who sits yonder in the executive office, himself once a child of adverse fortune, who struggled up through poverty to a University education. And right here, Mr. President, let me answer this strange idea that Universities are only for the rich, by tracing the history

of a man who has left his mark for good, clear and broad on the pages of Texas' history. Over a hundred and fifty years ago two boys were born of Scotch-Irish parents in the north of Ireland. They grew up in the same glen, and side by side struggled for five years through a bloody civil war, sleeping at night under the same highland plaid, ambushing their foes from the same crags, and singing when the cause looked bright, the song "Who'll be king but Charlie." But their hopes were buried in disastrous battle, and unwilling to endure the persecutions of tyranny, together they escaped with their wives in the same ship to America. One of them was named Jackson, who settled in the Waxhaw settlement; the other made his home just across the mountains in South Carolina, and so long as they lived they would every Christmas exchange visits, to talk of the olden time. To Jackson was born a son called Andrew, once President of the United States. From the comrade of the elder Jackson descended a son, who at a tender age was left a poor orphan boy; but his brave mother toiled and spun until from her scanty earnings she saved a purse and then started her boy to the University of Alabama. She said to him, "boy, go to the Hermitage and see General Jackson, for his father was your grandfather's comrade." So the poor boy went to a University, which the Senator calls the "rich man's school," and we can only guess with what interest he listened to the words of wisdom and of Democracy as they fell from the lips of the retired warrior and statesman. That boy graduated at the University and then came to Texas. First he was made a District Attorney, then a District Judge, then a Supreme Judge, then time and time again Chief Justice of your State. Now he sits yonder as Governor of this State, and when the tongues that slander him are forgotten, and the demagogues who have hounded him will be remembered only to be execrated, he will live in the gratitude of a people who have enjoyed the benefits of his wisdom.

Consider yet one more illustration here at home, of the benefits of a free University to the poor. More than thirty years ago, another youth entered the University of Alabama. Left, like your Governor, an orphan in tender childhood, providence had also blessed him with a noble, courageous mother, who, though poor, toiled and saved for the benefit of her boy, and sent him as a student of the University. It was my good fortune once to look upon her worn, but noble and benignant face, and to see how the strong man who owed everything to her, then anticipated her slightest wish with the loving solicitude of a child. He also came to Texas, and through the same grades of official advancement, went on until he now presides yonder as Chief Justice of this State. Five years



ago our Supreme Bench was occupied by three men, all of whom were obscure and poor boys in Alabama, and all of whom looked back to the same *alma mater*, for they were all graduates of the same University.

This cry that the University will be a "rich man's school" can impose on no one. The rich can send their sons and daughters abroad to other states, as they do now, but Texas needs both for them and her poor boys, a fountain of learning covering the whole field of knowledge, of which all may taste. But suppose it is a school for the benefit of those favored by fortune, in the name of common justice, who should object? The property holders of the State draw from their pockets every year the means by which the poor are educated. One-fourth of all the taxes of the State are paid to teachers to instruct the children of the thousands who pay no taxes, and of the common property fifty millions of acres already surveyed have been granted as a perpetual fund to endow the common schools forever. When those who own the land and pay the taxes have been thus liberal with the taxes which they pay every year, who dare complain if the State shall endow a University to afford the sons of the same taxpayers the means of more advanced instruction. I fail to appreciate the statesmanship which panders to class prejudice, grows eloquent over 'common schools,' on the eve of election, and yet hangs on the wheels of intellectual progress because all men are not rich. Nor can I understand that statesmanship which would limit the aspirations of our bright-eyed boys and girls to such knowledge as the common schools will bestow."

Let those who clamor so for common schools, first labor as I have for their establishment before charging the majority who favor this bill with starving the schools. Nearly six years ago I framed the present school law, imperfect as it is, and as often as its imperfections have been criticised, I have said to Senators: "Introduce a better law and I will support it." No bill to take its place has been brought forward during the three sessions that have passed since we adopted it, for all have realized how difficult it is to frame a system adapted to the diversified wants and surroundings of a population like ours. I examined the systems of many States before presenting the one we have and found none, which in my judgment, would meet the wants of our people.

The description given by the Senator from Cook, of the old country schoolhouse, with its log sawed out near the writing bench, its clab board door with an augur hole bored in it, and a trace chain run through to fasten it with a pad lock, presented a familiar picture of the olden time, until I could almost feel the persuading hazel in the hands of the old Scotch pedagogue, who first instructed me. All honor

to the country schoolhouse and no man can go further than myself to carry out in their spirit the provisions of the Constitution in favor of common schools, but when that Senator intimates that the duty of the State on the subject of education ends with the common school, he does violence to the spirit of the age, and injustice to his own understanding.

Sir, if Senators who oppose this bill want a familiar illustration of what well endowed Universities can accomplish for a State, let them study the history of Oxford and Cambridge, which have been the pride of every Parliament of England for five hundred years. Cambridge gave to fame, her Newton, Bacon, Coke, Byron, and a host of others. From those seats of learning have gone forth the men who have swayed in the Court, the Field and in Parliament, the destinies of that Island, and have elevated and advanced her banner until her sails whiten every ocean, her diplomatists control the destinies of rival states, while her power holds with iron grip across distant seas populations ten times outnumbering her own. Never was the aphorism that knowledge is power better illustrated, than by our Anglo-Saxon Sires.

Sometimes, Mr. President, I am almost persuaded that this strange opposition to the pending bill, derives some aliment from the late contest which located the University in Austin. There is a spirit which we see sometimes illustrated by children when one better clothed than the rest, is told to "come out of that hat," and like remarks, showing unworthy jealousy. It is rarely exhibited by grown men, though yesterday a stranger might have thought the Senator from Cook was affected with it, when he could find no better argument than to criticise the color of my wearing apparel. This does very well for children, but unworthy jealousies about the location of a University should not prevent its endowment. The men who gave freedom to Texas marked out the ground for the University on the hill overlooking your Capitol, before their independence was established, and the people have ratified at the ballot box their choice. Its establishment here on a permanent basis will make your capital what it should be, the seat of learning, refinement, and of wealth, and if it shall confer on the citizens of Austin larger benefits than the capital building itself, so, also will the whole State receive advantage.

On the dome of the New Capitol about to be erected will stand in heroic size, the statue of the Goddess of Liberty, with helm and casque. In her lifted right hand three hundred feet above the earth, will shine a star, radiant with electric light. . . . Texas alone among all the states and nations of the earth, wears that lone star on her escutcheon, which tells, that this Empire State is one and indivisible in all her borders. Let us rear on University hill, in full

sight of that glorious head light, a house dedicated to learning, to which the youth of Texas both rich and poor, may come from her prairies and her valleys, to receive here at the capital that strength and polish which knowledge imparts, and go forth in all the walks of life with higher conceptions of the grandeur of their State. As often as they gaze on the imposing architecture of that Capitol, and see that blazing emblem of the unity of Texas, shining on through the darkness and the storm, the spirit of patriotism will kindle in its light, and they will stand up forever, to rebuke the parasidial hand that would divide its rays.

In the name of the children of Texas, thirsting for an opportunity for higher education, which has been promised by the State for forty years and still withheld, I demand the appropriation.

### GENERAL LAWS

C. S. H. B. 66; Ch. 20, p. 27. G. 9, p. 287

AN ACT making appropriation for support of the State government for the period of time beginning March 1, 1882 and ending February 28, 1883.

To provide efficient sewerage for the lunatic asylum, State University, State Capitol, and Institute for the Blind, forty-five thousand dollars.....\$45,000.00  
Approved, May 5, 1882.

H. J. R. 2; Ch. 19, p. 25; G. 9, p. 285

JOINT RESOLUTION providing for an election to be held for the location of a branch of the University, for the instruction of the colored youths of the State.

WHEREAS, The Constitution of the State provides that there shall be a branch of the University of Texas established for the instruction of the colored youths of the State, and that the same shall be located by a vote of the people:

SECTION 1. *Be it resolved by the Legislature of the State of Texas,* That the Governor is hereby instructed to issue his proclamation ordering an election to be held throughout the State, upon the day of the next general election, to-wit, on the first Tuesday after the first Monday in November, 1882, for the location of a branch of the State University, for the instruction of colored youth; and returns of said election to be made in the manner prescribed by the general election law.

SEC 2. All localities put in nomination for the location of the colored branch of the State University shall be forwarded to the Governor at least forty days before the holding of said election, and

the Governor shall embrace in his proclamation ordering said election the names of said localities; *provided*, that any citizen may vote for any locality not named in said proclamation.

SEC. 3. The locality receiving the largest number of votes shall be declared selected as the location of the branch of the University for the instruction of the colored youths of the State, and said institution shall be located at such place.

Approved May 5, A. D. 1882.

[See note, p. 282.]

## **EIGHTEENTH LEGISLATURE, REGULAR SESSION, JAN- UARY 9 TO APRIL 13, 1883**

### **MESSAGE OF GOVERNOR O. M. ROBERTS**

**January 10, 1883. S. J. pp. 9, 10, 13, 14, 15; H. J. pp. 10,  
12, 14, 15, 16.**

The University of Texas, its main branch, its medical branch, and branch for colored youths, have been located by a vote of the people. One million of acres of land have been added to its fund, the building for the main university, at Austin, is now being erected, and it, with its branches, now awaits the intelligent recognition of the Legislature, in such liberal action as will meet the public demand for its adequate endowment and speedy organization.

#### STATE SEWER

. . . . Therefore, in view of its pressing necessity, for the Lunatic Asylum, particularly at present, the President of the Board of Managers of the Lunatic Asylum, the President of the Board of Regents of the University, the Governor, as president of the capitol board, and the President of the Board of Trustees of the Blind Institution, have acted as a State Sewer Board. . . . .

#### PUBLIC LANDS

. . . . .  
It was then recommended that the minimum price of these reserved lands should be raised to one dollar, and that two millions of acres of them should be set apart for the University, not so much as a gratuitous donation as in compensation, and as a substitute for lands taken away from the University by the Constitution of 1876, which was then fully explained. Bills to protect these lands and to set apart a portion of them passed the Senate, but failed to be passed in the House of Representatives. It may be asked why it was proper that these lands should have been



valued and offered at fifty cents per acre, and in three short years, an effort was made to raise the price to one dollar per acre. These lands may be worth from five to fifty dollars per acre, when the time arrives at which they can be put fully into practical use as agricultural and pastoral lands. Most of them then were not and practically could not be used for any purpose, and the value of fifty cents was then properly placed upon them upon an estimate based upon the experiences of the past, and upon the prospects under the then existing circumstances as to the length of time that might elapse before the lands could be thus utilized, and bring their full intrinsic value. . . .

#### THE UNIVERSITY OF TEXAS

All of the branches of the State University have now been located, the main branch at Austin, the medical department at Galveston, the Agricultural and Mechanical College at Bryan, and, at the late general election, the branch university for colored youths at Austin. The Agricultural and Mechanical College is the only branch now in operation. It needs additional aid to complete its arrangements for teaching the science and practice of agriculture and the mechanical arts. The Board of Regents contemplate putting the main branch at Austin in operation during the fall of the present year, when the west wing of the magnificent building on College Hill shall have been completed. They will lack the means necessary to do it properly, which, however, can be readily and justly provided by the action of this Legislature. The medical branch and the branch for colored youths have had no provision for them whatever. Now that these four branches are awaiting ample provision to make them constitute "a University of the first class," as required of the Legislature, "as soon as practicable," by the Constitution of the State, the propriety and necessity of the urgent efforts previously made by the friends of education to have such ample provision made, and all of the branches placed under one Board of Regents for their management, are now obvious. This subject was brought to the attention of the last Legislature, convened in special session in April of last year, with a full explanation of the inadequacy of the means previously provided, and of the practicability then of making such ample provision without any material detriment to any other interests of the State. A bill for that purpose passed the Senate, but failed to be passed in the House of Representatives.

It was recommended that the bonds reported formerly as of doubtful validity, amounting to one hundred and thirty-four thousand dollars, issued in 1867, be recognized as valid, and the interest accrued thereon up to the eighteenth of April, 1876, when the present Constitution went into effect, amounting to over sixty thousand

dollars, be invested in similar five per cent bonds, and the interest accrued since that time, amounting to about eighteen thousand dollars, be appropriated in money, to become a part of the available fund for present use; that the one million acres that had been set apart and surveyed be sold or leased, the interest upon the sale of which, if sold on time, could be made available annually by an amendment of the Constitution; that two millions of acres of lands be set apart out of the lands reserved to pay the public debt, in such a manner as would not interfere with the interest in them of the public free schools. Nearly all of those lands set apart to pay the public debt have either been sold or surveyed for purchasers, by which a right to purchase them has been legally secured, and the money, amounting to several millions of dollars, has been paid and will very soon be paid into the State Treasury for said lands, one-half of which will be the fund, which may be appropriated to pay the public debt. That fund unlike that of the public free schools, is still under the control of the Legislature as to its disposition, and one million of dollars, the proceeds of two millions of acres of said lands, may still be set apart to the University, if the Legislature should choose to do it.

Under the Constitution (Art. 7, Sec. 4), the Legislature cannot appropriate revenue to erect buildings for the University, nor for the establishment and maintenance of the branch university for colored youths; therefore any enlargement of that part of the main University now being built, and the erection of buildings for the medical branch, and the establishment and maintenance of the branch for colored youths, must be indefinitely postponed; and the main University itself will not have the means to purchase a library, apparatus and necessary furniture to start with ordinary respectability, if the opportunity, still available, is allowed to pass without appropriating a portion of this fund to the University, including its several branches. A reason why a liberal appropriation should be made at once, if anything further is intended to be done for the University, is that any amount of money, however small, unless it be interest of its fund, has to be placed at once in the permanent fund, and cannot be used otherwise than to draw interest after investment. (Con. Art. 17, Sec. 11.)

The requirement of the Constitution and the unmistakeable manifestation of an enlightened public sentiment in favor of a liberal endowment of the University will doubtless be sufficiently appreciated and respected by the honored representatives of the people, as to render any argument unnecessary, to stimulate them to action, in a measure so important to the well being of the State and its people at present, as well as in all future time. . . .

One of the greatest obstacles in the way of reaching proper conclusions by educators, and many other friends of education, is

their constant failure to keep strictly in view the specific objects of the State in instituting public schools, as indicated by the Constitution and laws of the State.

They habitually devise plans for general education, irrespective of the school in which it is to be taught; whereas the object of the State in regard to each school is specific. For instance, the public free schools are instituted and regulated by the Constitution and law to teach the mass of people such branches only as are necessary for intelligent citizenship in a republican government. Normal schools are instituted to train and perfect the education of pupils sufficiently to enable them to be competent teachers in the public free schools. Summer normal institutes are designed to train and improve teachers who are already engaged in the business of teaching.

The Institutes for the deaf and dumb, and for the Blind, are designed to teach pupils such things as will best enable them to supply the want of the lacking facilities, as far as practicable.

The Agricultural and Mechanical College is designed to teach learning in agriculture and the mechanical arts, and the natural sciences connected therewith.

The University is designed to teach the higher grades of learning and science, and to qualify persons for the learned professions.

A proper appreciation of these specific objects will serve as a guide in the estimate of what should be taught, and of the extent of the means to be used in their support, respectively.

I respectfully refer you to the reports of the Board of Education, of the Board of Regents of the University, and other reports of those institutions, with a request for a due consideration of the facts presented and recommendations therein contained. . . .

#### ADDRESS OF LIEUTENANT GOVERNOR L. J. STOREY

January 9, 1883; S. J. p. 3

. . . .

Also, the repeal of all laws upon the statute books authorizing the sale of the school, University and asylum lands of the State, and that provision be made to lease out these lands so as to secure the greatest possible good to the fund to which they severally belong. Whatever doubt there may be in the minds of some as to your authority under the present Constitution to provide for the leasing of the public school and University lands, instead of their sale as now provided by law, there can be no such doubt as to your authority under the Constitution to take every acre of the asylum lands from the market.

If this is done, and an amendment to the Constitution is submitted to a vote of the people authorizing the levy and collection of a special school tax separate from the general revenues, our free school system may be perfected, and at the same time the burthens of taxation for revenue purposes be reduced to the actual necessities of the State Government.

With such a change in our Constitution and laws, and with the University of Texas—the chief cap-stone of the only free school system worth preserving—properly endowed, as it should be done by this Legislature, our school system will be an honor to the State and the pride of her people, and in the near future become the most efficient of any to be found in the Union.

#### PROCEEDINGS IN THE LEGISLATURE

H. B. 6.—By Mr. Frymier.

To withdraw the public lands from sale.

Became a law. H. J. p. 493; S. J. p. 333.

H. B. 10.—By Mr. Robertson of Williamson.

To create and organize the Education Land Department, and to provide for the classification, sale and lease of the University, public free school and asylum lands, for the protection and sale of the timber thereon, for the reservation and protection of the minerals thereon.

Committee disagreed. Committee of Whole substituted. S. B. 269; H. J. p. 493.

H. B. 18.—By Mr. Foster of Limestone.

To withdraw the public lands from sale.

Substituted and passed. H. J. p. 494; S. J. p. 333.

H. B. 33.—By Mr. Wurzbach.

To create a bureau of public free schools, asylum and University lands.

Committee disagreed. H. J. p. 494.

H. B. 157.—By Mr. McDaniel.

To withdraw from sale school and other public lands.

Favorably reported. H. J. p. 495.

H. B. 228.—By Mr. McKinney.

To authorize the sale or lease of land belonging to the University.

Unfavorably reported. H. J. p. 496.



H. B. 272.—By Mr. McKinney.

To repay to the University fund bonds amounting to \$134,472.26 executed by the State, January 1, 1867, approved November 12, 1866.

Committee amended to \$256,272.57.

Became a law. H. J. p. 496.

H. B. 383.—By Mr. White.

To amend Articles 137 and 140, and Chapter 75, Penal Code.

Unfavorably reported. H. J. p. 497.

H. B. 394.—By Mr. Upton.

General Appropriation bill.

Became a law. H. J. p. 497; S. J. p. 319.

H. B. 453.—By Mr. Moursund.

To regulate the enclosure or occupation of public school, University, asylum, or other public lands.

Favorably reported. Ordered printed. H. J. p. 498.

H. B. 492.—By Mr. Barry.

To regulate the sale and lease of the unappropriated common school, asylum and University lands.

Committee disagreed. H. J. p. 497.

H. B. 536.—By Mr. Cramer.

To repeal all laws authorizing the sale of school, University and asylum lands.

Died on calendar. H. J. p. 498.

H. B. 537.—By Mr. Kendall.

To withdraw the common school, University, and asylum lands from sale.

Died on calendar. H. J. p. 498.

S. B. 14.—By Mr. Davis.

To provide for the payment of certain debts, (including debts to University.)

Substitute adopted. S. J. p. 320; H. J. p. 512.

S. B. 22.—By Mr. Pfeuffer.

To suspend the sale of all public lands.

Substitute passed Senate. S. J. p. 320; H. J. p. 512.

S. B. 73.—By Mr. Farrar.

To extend the time of redeeming lands sold to the State for taxes.

Substituted. S. J. p. 321.

S. B. 189—By Mr. Terrell.

To pay to the University fund bonds amounting to \$134,472.26, etc.

S. J. p. 322. See H. B. 272.

S. B. 198—By Mr. Terrell.

To provide for the permanent endowment of the University and its branches, in land, or its proceeds.

Committee substitute which became a law gave one million acres to the University plus one million acres to the public schools.

Became a law. S. J. p. 323; H. J. p. 512; Lane pp. 266-267.

S. B. 269—By Committee on Public Lands.

To provide for selling and leasing the free school lands, including University.

Became a law. S. J. p. 324; H. J. p. 512.

S. B. 310—By Mr. Houston.

To provide for the disposition of the minerals in the public school, University, etc., lands.

Became a law. S. J. p. 325; H. J. p. 512.

S. B. 336—By Mr. Martin.

To repeal laws authorizing sale of University and asylum lands.

Favorably reported. S. J. p. 325.

H. S. R.—By Mr. Brown.

To request the Committee on Educational Affairs to investigate the debts due to the University and common school funds.

H. J. p. 30.

H. S. R.—By Mr. Brown.

Not to invest the permanent University and common school funds in State or U. S. bonds.

H. J. p. 147.

#### GENERAL LAWS

H. B. 6; Ch. 6, p. 3; G. 9, p. 309

An act to withdraw from sale all the School, University and Asylum Lands, heretofore by any law of this State authorized to be sold.

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That all the school, university and asylum lands heretofore authorized by any law of this State to be sold, are hereby withdrawn from sale from the passage of this act until after the expiration of ninety days from the adjournment of the Legislature.

SEC. 2. All laws and parts of laws in conflict with this act are hereby suspended until ninety days after the adjournment of this Legislature.

Approved February 3, 1883.

H. B. 272; Ch. 27, p. 15; G. 9, p. 321

An act to provide for the payment of certain debts of the State, out of that half of the proceeds of the sale of the Public Lands, not belonging to the Common School Fund.

SEC. 2. The bonds for the sum of one hundred and thirty-four thousand four hundred and seventy-two dollars and twenty-six cents, dated the first day of January, 1867, due twelve years after date and bearing interest at the rate of five per cent per annum from date, executed by the State to the University fund, under the Act of November 12th, 1866, and also the certificate of indebtedness for the amount of ten thousand three hundred dollars and forty-one cents, issued by W. L. Robards, Comptroller of Public Accounts on the eighth day of June, 1865, are declared to be valid debts due from the State to the University of Texas, and the sum of two hundred and fifty-six thousand two hundred and seventy-two dollars and fifty-seven cents (\$256,272.57) of that half of the proceeds of the sale of public lands not belonging to the common school fund, shall be transferred to the University fund in payment of said certificate and bonds and the accrued interest on said bonds to the first day of August 1883, forty-five thousand one hundred and four dollars and twenty-two cents of which belongs to the available University fund, after which said certificate and bonds shall be fully discharged.

Approved February 23, 1883.

[Compare with Ch. 116.]

S. B. 189; Ch. 72, p. 71; G. 9, p. 377

An act to provide for the permanent endowment in land or its proceeds, of the University of Texas and its branches, including the branch for the instruction of colored youths; and, also, to provide for an equal endowment for the benefit of the permanent common free schools of this State.

SECTION 1. *Be it enacted by the Legislature of the State of Texas,* That after the payment of the amounts due from the State to the common free school fund, out of the proceeds of the sales heretofore made, or hereafter to be made, of that portion of the public lands set aside for the payment of the public debt, by an act approved July 14th, 1879, and an act amendatory thereof, approved

March 11th, 1881, and the payment directed to be made to the common school and university funds by an act approved February 24d, 1883, the remainder of said land, not to exceed two million of acres, contained in the counties and territory specially mentioned in said acts, or the proceeds thereof, set aside by said acts for the payment of the public debt, heretofore or hereafter to be received by the State, shall one half thereof constitute a permanent endowment fund for the University of Texas and its branches, including the branch for the instruction of colored youths, and one half thereof shall constitute a permanent endowment fund for the common free schools of this State.

Approved April 10, 1883.

S. B. 269; Ch. 88, pp. 85-89; G. 9, pp. 391-395

An act to provide for the classification, sale and lease of the lands heretofore or hereafter surveyed and set apart for the benefit of the Common School, University, the Lunatic, Blind, Deaf and Dumb and Orphan Asylum funds.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That all lands heretofore or hereafter surveyed and set apart for the benefit of the Common School, University, the Lunatic, Blind, Deaf and Dumb and Orphan asylum funds may be sold and leased as hereinafter provided.

Sec. 2. There shall be and is hereby created a State Land Board which shall be composed of the Governor, Attorney General, Comptroller, Treasurer and Commissioner of the General Land Office, who shall exercise the powers and perform the duties hereinafter prescribed.

Sec. 3. The said State Land Board shall, under such regulations as they may prescribe, cause the said land to be classified into agricultural, pasture and timber lands and ascertain which tracts have permanent water on them, or bordering on them and cause a tabulated statement of the land in each county to be made, showing the number of the survey, block, quantity in each survey, name of company or individual to whom the certificate was granted, the value of the improvements and the owner and such other descriptions and information as may be deemed necessary, and a permanent record thereof shall be made and preserved in the General Land Office, and a copy of such record relating to a county shall be forwarded to the surveyor of such county or land district in which the land is situated; but nothing herein shall be construed to require any further classification of such of said lands as have already been classified, unless the State Land Board shall believe



that the same is necessary to ascertain the true value or class of such land.

SEC. 4. Said land shall, in no case be sold for less than two dollars per acre for surveys of land without water on them or bordering on them, nor for less than three dollars per acre for land with permanent water on them or bordering on them, nor less than five dollars per acre for land having timber thereon suitable for lumber, nor for less than two dollars per acre for land having timber thereon not suitable for lumber and classed as 'timbered lands.

SEC. 5. Any actual settler upon any land included in this act who is now and was an actual settler in good faith on the first day of January A. D. 1883, shall have the right, for a period of six months from the time the land shall be placed upon the market for sale, to purchase not less than one hundred and sixty acres nor more than six hundred and forty acres of the land so settled upon, at the minimum price fixed by this act, and on the terms and rate of interest fixed by this act; provided, however, that any actual settler in good faith upon any lands in any county which have been appraised by the proper surveyor, and such appraisement has been approved by the commissioners' court of the proper county, in accordance with the provision of sections two and three of the act approved April 6, A. D. 1881, concerning the sale of alternate sections of school lands in organized and unorganized counties of this State, and such appraisement has been filed in the General Land Office, but which lands have or have not been placed upon the market under such appraisement, shall be permitted to purchase not less than one hundred and sixty acres (unless there is a fraction of less than one hundred and sixty acres now existing) nor more than six hundred and forty acres of land upon which they have settled (to include their improvements), at the price per acre fixed by such appraisement; but shall be required to pay the rate of eight per cent interest, as fixed by said act of April 6, A. D. 1881, and shall be permitted to pay all or any part of the purchase money thereof at any time. Such purchaser shall, in all other respects, conform to the provisions of this act; provided, however, that any such person desiring to purchase any of said lands so appraised, shall within six months from the time this act takes effect, file in the General Land Office his application to purchase said land describing it, and on payment of one thirtieth of the purchase money and one year's interest, and forwarding his affidavit stating that he is, and was, on the first day of January A. D. 1883, an actual settler in good faith upon said land, and that he settled on it with a view to purchase it, together with

the affidavit of at least two credible citizens of his county showing that such applicant is and was a settler in good faith upon said land; provided, however, that such land having timber thereon suitable for lumber or shingles, and chiefly valuable on that account, shall be sold for cash only, and may be purchased in quantities of not less than eighty acres nor more than three hundred and twenty acres; and provided further that other timbered lands may be purchased at two dollars per acre; and provided further, that no preference in the right of purchase given by this or any other section of this bill shall extend to or include any minerals, but the same shall remain the property of the respective funds to which said lands belong.

SEC. 6. The lands when placed upon the market, shall be sold in the county or land district in which it is situated, by such authority and under such system of competition as may be prescribed by said Land Board; provided, that no person, either in person or by agent, shall purchase from the State more than one section of land classed as agricultural land, or as watered land, and seven sections of unwatered pasture land; provided, the board may, in their discretion, require the purchaser of any particular section of watered pasture land to take with the same such a number of dry sections as they may designate, not to exceed seven sections: and every attempt to evade the limitation of this act as to the amount or class of land one may purchase, by any device whatever, shall be deemed fraudulent, and the fraud may be shown and the purchase canceled by the State within one year from the date of sale; provided, that the agricultural lands shall be sold only to actual settlers: and provided further, that no person shall be permitted to purchase more than three sections of six hundred and forty acres within five miles of the geographical centre of any county. No corporation shall be permitted to acquire title to more than one section of land in any one county.

SEC. 7. Until otherwise prescribed by the board, the land shall be placed upon the market in the following manner: when the tabulated statement shall have been forwarded to the surveyor of the county or land district and the board shall have designated some one to represent the State in the disposition of the land in such county or land district and notice of such facts shall under directions of the board, have been published in not more than three newspapers of the State, and shall have been published under the direction of the person authorized to sell, for thirty days in the section where the land is situated, the lands of such county or land district shall be considered upon the market for sale, and the person designated to represent the State shall receive bids for the same.

SEC. 8. The person desiring to purchase any of said lands shall file his application with the person authorized to sell, designating the particular section, or tract less than a section, which he desires to purchase and accompany it with a sufficient sum of money to pay for advertising the bid in such manner as may be prescribed by the board, and on the first Tuesday of the month designated in the advertisement, and after at least twenty days notice, the person having authority shall sell the same to the highest and best bidder at the court house of the county in which it is situated if in an organized county or if an unorganized county at the court house door of the county to which it is attached for surveying purposes. The application shall be considered the first bid unless raised before offered at public outcry, and any one desiring to raise the bid may do so by notifying the seller in writing at any time before it is put up at public outcry or orally at the public auction. No bid shall be received at a less sum than the minimum price fixed by law, nor shall any fraction of less than one hundred and sixty acres be left by such sale, nor shall any fraction of less than three hundred and twenty acres be divided; nor shall such section be divided into other than half a quarter section. Should the person advancing the sum of money for advertising the bid as above provided, not become the purchaser of the land bid for, said money shall be returned to him and collected from the purchaser; provided that no sale of agricultural land shall be perfected until the proposed purchaser files an affidavit that he intends that the land shall be actually settled within six months: and in case of failure to settle the same within that time, the proposed purchaser shall forfeit the money already paid on the land.

SEC. 9. The purchaser shall at once pay to the person selling for the State, or to the State Treasurer, as the board may determine, and within such time as it may fix one-thirtieth of the amount bid, and execute his obligation for the remainder of the purchase money, payable to the State of Texas, and binding the purchaser to pay one-thirtieth of the whole price on the first day of each succeeding year until the whole is paid, and interest at the rate of five per cent per annum on the whole unpaid purchase money from date, payable annually on or before the first of March of each year; and, provided, that after the expiration of seven years, the purchaser shall have the option to pay the unpaid principal, and providing that a failure to pay the annual installments of principal shall not work a forfeiture until the whole sum is due; provided, that upon proof of actual occupancy, use and improvements for three consecutive years, the purchaser shall be permitted to pay all of the purchase money remaining unpaid: provided further, that any person acting as agent or attorney for

another in the purchase of any of said lands shall file with the person authorized to sell a legally executed power of attorney from his principal, or other instrument of writing from a court of competent authority to invest him with powers to consummate a contract.

SEC. 10. If upon the first day of March of any year the interest due remains unpaid the custodian of the obligation of the purchaser shall endorse on it "lands forfeited," and the account kept with the purchaser shall show such failure to pay and such forfeiture; the failure to pay the interest shall ipso facto work a forfeiture and the entry on the account shall be evidence of the fact, and there shall be no necessity for judicial ascertainment of the facts of the forfeiture: and no defaulting purchaser or those claiming under him, shall evade or avoid the effect of such forfeiture at once by reason of any statute or law, which for coverture infancy or the like would otherwise give them additional time for payments or action, except as follows: Should any purchaser die, the representative or heirs of the deceased shall have one year within which to pay the interest due on the first of March next after such death.

SEC. 11. The person authorized to make sales shall receive such obligations for the State and account for the money and notes received by him at such times and in such manner as may be prescribed by the board.

SEC. 12. That in case any purchaser desired to sell the land purchased by him he may do so after his first payment and in case of such sale, his vendee shall file in the office of the custodian of the original obligation or his vendor, a properly authenticated transfer signed by said vendor and vendee, duly acknowledged and recorded, in the proper county, and said vendee shall thereby assume the obligation and be liable to the penalties imposed upon the original purchaser, and said original purchaser shall thereby be relieved from any further liability upon his obligations.

SEC. 13. Upon payment of all the purchase money and interest upon notes given for the land under this act the Commissioner of the General Land Office shall issue a patent to the purchaser, or his assigns, or heirs, upon payment of the fees prescribed by law; provided, that no patent so issued shall include more than six hundred and forty acres, nor shall it contain portions of any other sections, provided, further, that no patent shall issue to agricultural lands until proof of actual settlement shall be made in such manner as may be prescribed by the board.

SEC. 14. The minerals on all lands sold or leased under this act are reserved by the State for the use of the fund to which the land now belongs.



SEC. 15. The said Land Board shall cause the timber on the school land suitable for lumber or shingles to be sold at not less than five dollars per acre, cash, nor less than six hundred and forty acres shall be included in one sale. The purchaser shall be required to remove the timber sold within a specified time, not exceeding four years. The board shall appoint such agents and make such regulations relating to the sale of said timber as may be necessary, in their judgment, to effect the object herein sought. Land which has on it timber suitable for lumber and shingles shall not be sold except to actual settlers and at a price not less than five dollars per acre under such regulations as the board may prescribe in tracts of not less than one hundred and sixty acres nor more than six hundred and forty acres, the Land Board shall in every sale of timber or timbered land where the timber is suitable for lumber or shingles, make such provision in the sale as will protect the timber from trespass on adjacent land embraced by this act not sold; provided, that if any purchaser of said timbered land, before final and full payment, shall cut, sell or destroy or permit any one else to cut or destroy any more timber than is necessary in clearing and improving said lands, and for firewood and building purposes, he shall forfeit all claim to said land, and in case of any violation of this provision of this act it shall be the duty of the proper district or county attorney to institute suit in the district court of the county in which the land is situated in the name of the State, against any such purchaser, to have such forfeiture duly adjudged and executed and a judgment entered for the State for such damages as may be established on the trial of said cause.

SEC. 16. Pasture lands or agricultural lands not timbered, may be leased in suitable quantities for stock and ranch purposes for not less than four cents per acre per annum and for periods not exceeding ten years, by such agents and under such regulations as the board may prescribe. The regulations shall provide for competition. Leases shall be made in the localities where the land is situated. Where there is an application for both sale and lease the sale shall have the preference.

SEC. 17. All lands leased shall remain subject to purchase for actual settlement in bodies not to exceed six hundred and forty acres; but before said purchaser shall be permitted to buy leased land he shall swear that he intends to actually settle on it and until he does actually settle, build and fence thereon the lessee shall remain in possession; provided, that when the lessee has but one watered section leased from the State in the same vicinity, such section shall not be subject to sale and settlement during the term of the lease; and provided further, that when a sale is made

of leased land then the lessee shall be entitled to have a pro rata of any rent which he shall have paid in advance, refunded him by the Treasurer of the State upon warrant drawn by the Comptroller by order of the Land Board; provided, that no enclosure bordering on, along or across any stream of water shall be of a width of more than four miles and a space of at least forty yards shall be left open between all such enclosures.

SEC. 18. The said Land Board shall have the power to employ and discharge such persons as may be necessary to enable them to cause this act to be efficiently executed, and fix their compensation and may delegate to them such powers as may be necessary to enable them to aid in carrying out the provisions of this act. The expenses of selling and leasing the School, University or the Lunatic, Blind, Deaf and Dumb or Orphan Asylum lands shall be paid out of the proceeds of the sales and leases, except that paid by the purchaser under such regulations as the said board may prescribe.

SEC. 19. All laws and parts of laws in conflict herewith are hereby repealed.

Approved April 12th, 1883.

S. B. 310, Ch. 97, pp. 100-101; G. 9, pp. 406-407

An act to provide for the disposition of the minerals in the Public School, University, Asylum and Public Lands of the State of Texas.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That all minerals in the Public School, University, Asylum and public lands of the State of Texas be and the same are reserved from the operation of the laws for the sale of such lands and shall be used and disposed of for the benefit of the respective funds for which said lands are now set apart as hereinafter prescribed.

SEC. 2. The State Land Board shall have the control and management of the disposition and use of said minerals and shall provide such rules and regulations therefor as to them may seem best within the provisions of this act.

SEC. 3. When a prospector or miner shall discover upon any of sand lands, any mine of coal, iron, tin, copper, lead, silver or gold he shall immediately stake the same in its apparent extent not to exceed in size three hundred feet one way by fifteen hundred feet the other way, the corners to be marked by distinct stone land marks and shall within forty days thereafter file a description of said mine, the county in which it is situated, the number of survey, the company or individual to whom the same was issued, and such other description as is practicable in the clerk's office of the county where the land lies, or if an unorganized county, then in the county to which the same is attached for surveying purposes, which description shall be verified by an affidavit of the fact that he is

the discoverer of said mine, and that he intends to fully prospect the same and comply with the law pertaining to the same in good faith; and shall be registered in the record of deeds. He shall then have the privilege of selling the rights he may have acquired in said mine, provided that he or his assigns shall within ninety days after the filing of such description have said mine surveyed and shall file a copy of said survey together with specimens of the ore taken therefrom with the State Land Board at Austin.

SEC. 4. After the filing of such survey and specimens, the discoverer or his assigns shall work said mine for his own benefit and for the benefit of the fund to which said mine belongs, said fund to receive five per centum of the gross receipts from said mine to be paid and received in such manner and under such regulations as the Land Board may prescribe by general rules applying alike to all such cases—provided that the mines shall be worked subject to such rules and regulations as the Land Board may prescribe, and which may be from time to time, changed, and they may by regulation prescribe such conditions of forfeiture of the rights hereby conferred as they may think proper, and on their violation declare such forfeiture—provided, further, that any one taking up a mining claim of the dimensions herein provided for shall do at least two hundred dollars worth of work per annum on the same, and furnish annual proof of the same to the Land Board. Any one failing to comply with this provision shall forfeit his interest and it shall be subject to entry by any other person and it shall require no judicial forfeiture.

SEC. 5. The filing and registration of the description hereinbefore provided to be filed with the county clerk shall be constructive notice of claim. But all persons who have heretofore discovered and worked mines on said lines shall have a prior right for ninety days after the passage of this act in which to comply with this law as discoverer.

Approved, April 14, 1883.

H. B. 394, Ch. 116, pp. 127-129; G. 9, pp. 433-435

An act making an appropriation for the support of the State Government, for the years beginning March 1, 1883, and ending February 28, 1885.

#### STATE UNIVERSITY

For support, establishment and maintenance of the State University, erection of buildings and purchase of all the accessories necessary, to be under the control of the Board of Regents, all the available University fund on hand or accruing, as far as may be

necessary, in the judgment of the regents for both years, except such sums as are herein otherwise appropriated.

For surveying and designating one million acres of land for the State University, and one million acres of land for the permanent School fund, the land to be selected and surveyed under the direction of the Commissioner of the General Land Office, the expenses to be paid on his warrant upon the State Treasurer, one half to be paid out of the available University fund, and one half to be paid out of the available School fund ..... \$5,000.00

#### A. & M. COLLEGE

For the support and maintenance of the Agricultural and Mechanical College, to be expended as follows:

For the year 1883, out of the general revenue..... \$30,000.00  
For the year 1884, out of the University fund..... \$10,000.00

#### PRAIRIE VIEW NORMAL SCHOOL

For support of Prairie View Normal School for the years ending August 31, 1884, and August 31, 1885 inclusive of the amount appropriated by act of April 19, 1879, entitled "An Act to provide for the organization and support of a normal school at Prairie View (formerly called Alta Vista) in Waller county for the preparation of colored teachers. .... \$7,500.00 \$7,500.00

#### PAYMENT OF PUBLIC DEBT

##### II. Matured Bonds

For principal on five per cent State bonds belonging to the University fund, issued in 1866 for money borrowed from University fund, now matured and due. \$134,472.26  
Interest due and unpaid on said bonds, belonging to the University fund as follows: Interest before adoption of Constitution of 1876, belonging to the permanent University fund..... \$62,473.58  
Interest from 1876 to 1883, belonging to available University fund (\$45,104.57) to be paid out of that half of the proceeds of the sale of the public lands not belonging to the common School fund, as provided by Act of February 23, 1883..... 45,104.57  
Approved, April 23, 1883.



## EIGHTEENTH LEGISLATURE, CALLED SESSION, JAN- UARY 8 TO FEBRUARY 6, 1884

### MESSAGE OF GOVERNOR JOHN IRELAND

January 8, 1884; H. J., p. 3-6-7; S. J., p. 3-7

The following proclamation of Governor Ireland was then read by the Secretary:

. . . . .

13th. To amend the law passed at the regular session of the Eighteenth Legislature, approved April 12, 1883, entitled "An act to provide for the classification, sale and lease of the lands heretofore or hereafter surveyed and set apart for the benefit of the Common School, University, Lunatic, Blind, Deaf and Dumb, and Orphan Asylums funds. . . . .

### INVESTMENT OF THE SCHOOL FUNDS

. . . . .

The United States and State bonds owned by the school fund might be transferred to the university fund at better rates than could be obtained from the market, and result in advantage to both funds; as the school fund could be easily reinvested in the county bonds at a better interest than it is drawing at present, while the university fund can only be invested in State and Federal bonds, for which a high premium must be paid in the market.

### PROCEEDINGS IN THE LEGISLATURE

H. B. 50—By Mr. Hurst.

To punish unlawful enclosing of land.

Became a law as S. H. B. 50 and 84. H. J. pp. 187, 194. S. J. p. 133.

H. B. 52—By Mr. Wurzbach.

To regulate the investment of the funds of the free public schools, University, and asylums.

H. J. p. 187. Unfavorably reported, minority reporting favorably with amendments.

H. B. 80—By Mr. Moore of McLennan.

To amend article 1140 of Revised Statutes

Became a law as S. H. B. 50 and 80. H. J. pp. 187, 194. S. J. p. 133.

H. B. 87—By Mr. Chambers.

To authorize the Board of Education to invest the University, asylum and escheated estates funds.

Favorable report—died on calendar. H. J. p. 187.

S. B. 6—By Mr. Shannon.

To provide for the investment of the permanent public free school and University funds.

Referred to Committee. S. J. p. 129.

S. B. 27—By Mr. Harris.

To prevent the fencing of public lands.

Became a law as S. H. B. 50 and 84. S. J. p. 130.

S. B. 39—By Mr. Gibbs.

To prescribe the penalty for wilfully and knowingly fencing any land belonging to the State or any of its special funds.

Replaced by S. B. 27. S. J., p. 130.

S. B. 49—By Mr. Traylor.

To authorize the Commissioner of the General Land Office, with the approval of the Attorney General, to compromise with purchasers of the public lands under the Acts of 1879 and 1881, whose purchases are believed to be either irregular or void.

Favorably reported, with one amendment. S. J., p. 130.

S. B. 52—By Mr. Matlock.

To provide for the classification, sale and lease of land set apart for the common school, University, etc., funds.

Favorably reported. S. J., p. 130.

S. B. 73—By Mr. Peacock.

To transfer bonds from the common school to the University fund.

Refused engrossment. S. J., p. 131.

#### February 1, 1884. S. J. p. 91

Senator Gooch presented a memorial from W. M. Davis of Van Zandt urging the organization of the Medical Branch.

#### GENERAL LAWS

**S. H. B. No. 50 and 84; Ch. 33, pp. 68-70. G. 9, pp. 600-602**

An act to prohibit the unlawful fencing or enclosing, or keeping enclosed, of the lands of another, and of the public school, public, university and asylum lands of the State of Texas, and to prevent the herding, or loose herding or detention of stock upon the lands of the state, the public schools, university and asylums, and to provide penalties for the violation of this Act

[No case of a violation of this law affecting University lands seems to have come into court, and the text of the law is therefore omitted.]

# NINETEENTH LEGISLATURE, REGULAR SESSION, JAN- UARY 13 TO MARCH 31, 1885

## MESSAGE OF GOVERNOR JOHN IRELAND

January 15, 1885; H. J., p. 12; S. J., p. 9

### THE UNIVERSITY

This institution has been in operation nearly two years, and the present Executive has left its management entirely with the Board of Regents. In the appointment of new members of the board, he has been controlled by:

1. A desire to conform to the law, which required the Regents to be taken from different parts of the State.
2. A desire to have the board non-partisan, if possible; and
3. Fitness for the position.

And these considerations in the inverse order here named.

Section 6 of the act of 1881—the tenure of office of the Regents—extends one class to eight years. By reference to section 30, article 16 of the Constitution, it will be seen that the tenure of all officers whose terms are not fixed by the Constitution cannot be extended beyond two years, and I therefore suggest an amendment to the law, so that it may conform to the Constitution.

I call your attention to the nature of the appropriation of the available fund under which the University has been carried on. It seems indefinite, and is found in section 18 of the act of 1881, page 81. It appears to be in direct violation of section 6, article 8 of the Constitution, which declares that no appropriation shall extend beyond two years. I recommend a revision of the law, that it may conform to the Constitution.

### PROCEEDINGS IN THE LEGISLATURE

H. B. 7—By Mr. Browning.

To regulate the payment of interest under the land laws of 1883.  
Defeated in House. H. J., p. 462.

H. B. 8—By Mr. Browning.

To sell the public lands.

Substituted. Became S. B. 150. H. J. p. 462; S. J. p. 325.

H. B. 34—By Mr. Jones of Gonzales.

To provide for the management of the public lands.

Substituted. Became S. B. 150. H. J. p. 462; S. J. p. 325.

H. B. 70—By Mr. Scott.

To sell the public lands.

Substituted. Became S. B. 150. H. J., p. 462. S. J., p. 325.

H. B. 302—By Mr. McKinney of Walker.

To authorize the Secretary of State to deliver certain copies of reports to the University.

Favorable report. Died in calendar. H. J., p. 465.

H. B. 313—By Mr. McKinney of Walker.

To legalize the donation of property to establish professorships or scholarships in the University and to secure the objects of the donors.

Favorable report—died on calendar. H. J., p. 465.

H. B. 370—By Mr. Upton.

General Appropriation bill.

Became a law. H. J. p. 466; S. J. p. 326.

H. B. 402—By Mr. Moore of Travis.

To allow graduates of the Department of Law to practice in all the courts of the State.

Favorably reported. H. J., p. 466.

H. B. 560—By Mr. Tate.

To regulate the sale of the timbered public lands.

Engrossed. H. J., p. 468. S. J., p. 328.

H. B. 586—By Mr. Blount.

To protect purchasers of school and other public lands (including University).

Became a law. H. J. p. 468; S. J. p. 328.

S. B. 7—By Mr. Houston of Wheeler.

To provide for sale of all public lands set apart for various State funds (including University).

Superseded by S. B. 195. S. J., p. 316.

S. B. 64—By Mr. Kleberg.

To provide for the management and control by the Regents of lands set aside for the University of Texas.

Passed Senate. H. J., p. 502. S. J., p. 317.

S. B. 150—By Mr. Houston of Bexar.

To amend the act relating to the sale and lease of public lands (including University)

Became a law. H. J., p. 501. S. J., p. 320.

S. B. 184—By Mr. Davis.

To donate all the public domain in State of Texas to the public free school fund.

Bill lost. S. J., p. 321.

S. B. 192—By Mr. Pfeuffer.

To perfect the University of Texas.

Read first time. S. J. pp. 303-308; S. J. p. 321; Lane, pp. 14-18.

S. B. 195—By Mr. Peacock.



To provide for the classification, sale and lease of lands belonging to the public funds (including University.)

Superseded by House Bills, which were vetoed.

Became a law. S. J., p. 321. Not in H. J. Index.

S. B. 229—By Mr. Randolph.

To provide for the classification, sale and lease of lands belonging to public funds—including University.

Unfavorable report. S. J., p. 322.

S. B. 230—By Mr. Shannon.

To protect the rights of purchasers of public lands including University.

Became a law. H. J. p. 502; S. J. p. 322.

**January 20, 1885; S. J. p. 29**

The following resolution was offered by Senator Pfeuffer, and was adopted:

Resolved, That the Committee on Education be and the same is hereby requested to make a full inspection into the condition, affairs and wants of the State University, with authority to send for persons and papers, and report as soon as practicable by bill or otherwise.

**February 10, 1885; S. J. p. 100**

Senator Pope introduced a memorial from the Board of Regents; referred and ordered printed.

[February 20, 1885: Index to Legislature Fourteenth to Nineteenth, office of Secretary of State. Box 92. Not in Journals. Petition of purchasers under act of August 1867 to have titles to University lands validated.]

**March 31, 1885; S. J., pp. 303-308**

Senator Pfeuffer rose to a question of privilege, and addressed the Senate as follows:

The Senate knows to what I have been subjected in the public print. . . . I desire to be heard to respond to a mischievous, selfish, and venal press that has persistently misrepresented me, and held me up for ridicule in every form that could either wound the feelings of its subject or prejudice the sentiment or opinions of the citizens of his State that he has faithfully labored to serve. I will not say that the whole press has been thus ungenerous, nor is it against the whole that I defend.

I claim the right in these last hours of this session, when it may no longer be urged that I am in debate by an insidious move

on questions for legislation, to reply to charges that, as stated, have been made in a thousand forms—misrepresentations that each day assume new phases.

I was made chairman of the committee of education at this session of the legislature. For some years past I have been one of the directors of the A. and M. College, located at Bryan. I have felt a profound interest in the success of that institution. This Legislature had scarcely met when we heard words of ridicule addressed against the A. and M. College, and derisive sneers at its efforts, and suggestions that it be abandoned as an educational institution and be converted into an asylum. These enemies of the A. and M. College thought that it was inimical to the State University at Austin. The A. and M. College had friends. There were those amongst us who believed it was an institution that should receive the first care of the State. We may have been of opinion that the class of our youth that the A. and M. College proposed to cultivate was as important to the State, and would, when leaving that institution, be worth as much for her prosperity as urbane scholars versed in the languages of Greece and Rome, or proficient in the soft tongues of Spain and Italy, the brilliant language of France, or the stately manliness of the language of my fatherland.

There were some who thought that the schools where the farmer's sons were taught the nature of soils, the chemistry of crops, were as important as the schools in which metaphysical jargon is heard in wrangling from morning to night. There were some who thought that sound instruction in the history of domestic animals, a knowledge in the capacities of their different breeds, their adaptability to our climate, their diseases and remedies and best modes of rearing, their anatomical structure, and everything necessary for their successful management, was as useful as the pleasing science of entomology that may expand itself in volumes on the anatomy of the carrion beetle, or tremendous discussions unfolding the purpose the house fly or the swamp gallinipper serve as assistants in hygiene in our kitchens and around our poisonous lagoons.

There were some of us who had these thoughts relating to the relative utility of the two classes of what is termed higher education, the one looking to grain producers on our farms and ranches, the other as supplying material from which the bench and the bar, the pulpit, the medical corps, are recruited, and from which, also, come the vast herd of idlers that is too highly cultivated to work in manual labor, and too worthless to follow out in any line for

which their education may fit them to be useful as members of society.

We think we may be pardoned for holding in importance the science which teaches our youth to look to the earth and inspect its soils, and discern the hidden powers of nature that, when applied, will make teeming crops and an abundant yield. We may be pardoned if we think this science equal in dignity and equally useful with the science that would consult the stars and the planets, and endeavor to determine their occult influences—influences which, if discovered, could never be controlled. It may be discovered that spots on the sun control vegetation, and the phases of the moon regulate the tides and the weather; but it is beyond the powers of man to regulate these awful influences. Metaphysical wranglers may worry their minds over innate ideas, questions of time and space, or even the calculation of the number of angels that might dance upon a needle point. The practical knowledge of one's own self, as each man may discover, and an analysis of, and knowledge as it grows with us, and a knowledge of things that are actual around us, are as worthy of thought as these questions of the schoolman. It is as important and dignified to know how to stretch and preserve the skins of cattle slaughtered with the knife, and save their meat for food, and pack it in barrels with salt, as to be able to kill the ephemeral butterfly with chloroform and preserve it with arsenic, packed away in a show case, with a Greek name in polysyllables pinned on its back, doing the honors of an epitaph and biography, offered as an atonement for its poor little life, that was taken for science's sake by some murderous crazy bug hunter.

There were those who thought the studies of the proper application of the pulley, the lever, the wedge and wheel and axle, to aid the powers of man's feeble muscles, and the principles of machines that assist to make work easy and redeem men, women and children from a life of toil, were quite as important and dignified as the study of the mechanics of the solar system, or as the dreams of the fanciers, who imagine in their reveries that they hear the music of spheres. There are even those who thought that the culture and development of an actual, real first-class taurus, a regular bull, that could paw the earth and bellow with no uncertain sound and whose prowess could be seen and whose future progeny could be contemplated with pride, was a study as dignified, as refined, and perhaps as useful, as the study of the prowess of the Centaur, the ferociousness of the three headed dog Cerberus, the hideousness of the Lernean Hydra, or Jupiter, in the form of a bull, when he eloped with Europa, or the white bull that was loved by the unchaste Pasiphae, or Minotaurus, their

dreadful offspring. The one who has been so greatly decried as the hero of the Agricultural and Mechanical College farm is the actual bull for the farm for actual use. He is in every sense of the term fit socially to move in the society to which he belongs. The others as the monsters and bulls of classic readings for the dreamers in mythology, and serve for raising ideas and images that are horrible and unchaste beyond description. But enough of these comparisons. In practical life and practical work there are no useless, senseless humbugs. In the pastimes of science, literature and art, there are thousands of things that the world were better had they never been, but being, if they were forgotten.

But, in thus contrasting much that is embraced in polite learning with the useful and practical knowledge needed in every day life, let it not be understood that those, who gave dignity and importance to that which is useful to the masses, decried or tried to lower the proper dignity of higher education in literature, science and arts. While there is much of chaff in the ordinary so-called higher education, its aims, objects and effects on society in its enjoyments, its government, its strength and prosperity are all important. The mistake that has been made is by the zealous friends of higher education that treats of the polite branches. They have lost track of the usefulness of the branches that should be taught to the masses in agriculture and mechanics, and in kindred pursuits.

Because there were those who would not ignore the necessity that the State should endow with lavish hands the institute that looked to the enlightenment of the masses in their ordinary pursuits, they were pronounced enemies of highr education—enemies of the great State University! Never was a more unjust charge uttered; never was there a party more grossly misrepresented. The importance and dignity of both classes of education were fully appreciated. It was to distribute the revenues provided for education to all these subjects, and to foster all the institutions that were to make out people more enlightened, prosperous and happy, that influenced the introduction of measures in regard to the University and common school establishments that my name has been coupled with, much said to my detriment, and unjustly, as misunderstanding my sentiments and misrepresenting both my opinions and the measures proposed by me for legislation.

Since the effect of the measures introduced by myself have been so loudly commented upon, and their substance has been so scandalously misrepresented, and I have been denounced and ridiculed as an enemy of the University and education, I deem it but justice to myself and those who have stood with me, to briefly set forth the leading points in the bill proposed. It is to repel unjust at-



tacks that persistently were persevered in, seeking to destroy my influence for the present and damage me in the future, that I speak.

There is something which every man in public life has pride for; a pride which equals the pride of the success of his efforts, and that is, that his intentions, principles and motives be properly stated, so that the whole public may judge him fairly in his official career. Had this been done, I would not be on this floor claiming the privilege of explanation. What I proposed as law, and framed in two bills, with the State University and common schools as the subject, has neither been correctly stated nor fairly represented as to matter, purpose or method; nor have my own particular opinions, views, or policies as to universities or common schools been fairly stated. Measures that led simply to changes have been branded as measures to destroy; principles that were intended to perfect have been denounced as the theory of vandalism that was to ruin.

It is to defend myself on these questions affecting my standing before the people who may not have kept pace with legislation, that I speak and give reasons for the faith that is in me.

Let us examine these so-called extraordinary measures, and first, of the University. The bill introduced by me in the Senate had for its caption: "An act to perfect the University of Texas, and provide for its government and management," and repealing the present law.

Scarcely was this bill introduced, before it was charged that it should be fitly captioned, "a bill to destroy," and it was charged that such was the deliberate design in framing the measures proposed. My aim was to perfect. I have profound respect for all things old. Venerable men, ancient laws, old governments, long tried institutions, antiquated castles and towers standing on firm foundations, or even in ruins, command my respect and veneration, and it would be with almost fear that I would change them, much less with the ruthless hand, destroy them by legislation. I had not thought that I was advocating a change of anything so venerable and respected by the people as an institution, that I should be subjected to jeers, taunts and almost insults, as a vandal. Had I been a reformer against a well organized priesthood, that had arrayed in its ranks all the learning and talent of a well disciplined clergy, or with cowl and gown and unshorn beard, gone into the midst of perfumed Sybarites, with cry of reform and correction. I could not have been met with more persistent repulses. It is charged that I was on mission to destroy the University. It is a new institution. Neither by a long experience with its management, wisdom displayed in their counsels or wisdom in the

first organization, did the University, as we found it, possess the characteristics to entitle it to respect as an institution that could not be improved. It was in its baby days, and was as unformed and immature as a suckling. Perhaps, unfortunately, I had not attached that dignity to the existing organization of the new institution that those engaged in its formation had thought courteous. Had it been an institution that had passed its infancy and had flourished through a course of years, and whose management had been well matured, it would have been with timid voice and timid pen that I would have suggested, much less urged, that its established forms be disturbed. But what did we find in connection with this institution? The law hastily framed for its conduct and government, a rapid action on the part of the powers who ruled it to secure something in stone and mortar as a nucleus to fix the institution in its present locality as a thing established and permanent. New institutions, as well as old ones, are entitled to respect. Old that have stood the test of time and which have been from year to year and century to century perfected, should be disturbed with care. New institutions, whose existing organization has not been tried, but which theoretically seemed good, should be allowed to, at least, have chance for experiment.

The University, as we find it, with the law that was first framed hastily formed, was in the nature of an experiment. On examination of the law entitled, "An act to establish the University of Texas," approved March 30, 1881, we find the greater part of it consists of provisions for preliminary work, for voting for the locating, time of election and manner of making the returns thereof. It is not until we read section 5 of the act that we enter on the law proper, framed for the government of the institution. It is at this point I propose to begin, and point out the few features in the old law, and the changes I introduced in the bill for perfecting the old law.

The system laid down in the bill which I introduced, as differing from the old law, related to the following points:

1. The authority that by law should govern the University should be vested in a "University Board," consisting of the State Board of Education, the Superintendent of Public Instruction, and the chancellor, to be chosen by the Governor, with the consent of the Senate.

Under the old law the government is in the hands of a board of eight regents, who hold office for eight years, so organized that at the end of each two years the term of two regents expires, and successors are appointed by the Governor.

2. Professors of Law and Medical departments to be paid only from funds arising from the tuition fees received from students

studying those branches, and that students in these departments be charged ordinary and usual fees for tuition.

The old law makes no discrimination in this class of students, and admits them without charge for tuition.

3. Salaries of professors are fixed for the present with the maximum at \$2,200; salaries subject to change according as the Legislature may deem proper by legislation, and the number of professors fixed and limited, but to change from time to time as to numbers, to meet the necessities of the University.

The old law leaves the matter of the employment of professors, their number and salaries, to the Board of Regents of the University, without limitation.

4. The course of study for the University shall be that of a first-class institution, and students shall be admitted only when they may be able to pass a satisfactory examination in the highest branches of high schools.

The old law makes no provision on this point, but leaves the Board of Regents the power to establish the degree of advancement the student must attain to entitle him or her to admission; it may be primary, or grammar, or high school proficiency; at the will of the regents.

5. Provision is made for establishing one University preparatory school in each congressional district, under control of an auxiliary professor, to be appointed by the University Board—such professor to be paid a salary of \$1,500 per annum, which schools shall be organized as high schools, in harmony with the University course, and serve as feeders to the institution. The University Board to select a place for these schools, and the same to be one of the local establishments at the point selected. No payment to be made of salaries of auxiliary professors unless the same can be done without in anywise interfering with the successful support and maintenance of the main University. These auxiliary establishments to serve temporarily as institutions to fit students for the main University, and to be continued under the discretion of the University Board.

This is an entire new feature in the law.

6. The University Board shall present to the Legislature an itemized report of all receipts and disbursements; also itemized estimate for all disbursements required for each year, and itemized appropriations shall be made therefor by the Legislature.

The old law made appropriations in bulk, and the Board of Regents could expend it for any items they deemed proper, in their discretion; and no legal complaint could be raised of their author-

ity on the ground of extravagance, all expenditures being left solely to their discretion.

7. No money shall be drawn from the State Treasury from the University fund on requisition; but all accounts shall be separately paid by warrant on the State Treasurer, and the account therefor filed with the Comptroller, duly certified to and approved, before the warrant should issue.

Under the old law, or practice, at least by custom, whether legal or otherwise, thousands of dollars were drawn from the State treasury at one time on requisition, and held by the University authorities or in bank, and accounts and claims paid as the same might fall due. Moneys were drawn from the Treasury from the University fund for services and supplies furnished before services were performed or articles received, and afterwards from time to time vouchers and accounts were placed in the Comptroller's office accounting for these funds.

8. The Legislature shall make appropriation from time to time from the University fund, for the support not only of the main University at Austin, but also for the A. and M. College, so as to make that institution efficient to carry out the designs of its establishment.

Under the old law, the discretion was left with the Board of Regents to expend the moneys as they deemed proper, and practically that discretion was used to expend the whole available fund on the main University at Austin.

I have briefly given in this analysis every leading feature of the bill proposed by me "to perfect the University," and a brief statement of the old law with which the changes come in contact. The remainder of the machinery of the two laws is unimportant as to variance. Mere details for carrying out the plans laid down in the bill, and to make definite and positive rule of action, conclude the bill.

I ask a deliberate consideration of the points referred to, and if there be any other passages that the critic might object to, or that are material variances from the old law, I am unable to find them.

It is for the introduction of these proposed changes that I have been assailed. These, and these only, are the monstrosities.

It is for the promulgation of these principles that I am charged with being the author of the bill to destroy the University, and an enemy to the institution, and no friend of what is called high education.

I will leave it for the fair and considerate to determine how far the charges have been unjust, but not without briefly presenting the reasons that urge me to suggest the changes that are set forth in my analysis of the bill. The propriety of several of these changes



is self-evident, and needs no argument. I submit the propositions with reference to appropriations and the manner of drawing funds from the treasury, as well as the requirements for assistance for the A. and M. College, without argument other than presented heretofore.

Let us examine the other points upon which the changes are suggested in the bill I presented:

1. The governmental authority of the University.

The old law vesting the government in a Board of Regents, each of whom hold office for eight years, is unconstitutional. It is the unconstitutionality of the law that makes it mainly objectionable. The Constitution provides, in section 30 of miscellaneous provisions, that "the duration of all offices not otherwise fixed by this Constitution shall never exceed two years." The regents of the University are creatures of law, and the term is not fixed by the Constitution, nor is it privileged thereby to extend beyond two years. The question is, Are the regents of the University officers as understood by the words of the Constitution? I assume that their standing is fixed by their powers, functions, responsibilities, duties and manner of their creation. The regents have charge in administering an institution of learning. They appoint professors and officers, make contracts binding on the State, expend public money, have power of removal of appointees under them in the service of the State, have a term of service fixed by the law, have successors, and receive pay for the services which they perform. If we can find one single qualification required as essential to constitute an officer of the State that is not possessed by a Regent, we will be glad to have it presented. Take every definition and every authority, and analyze the functions of the regents with the definition, and we can come to but one conclusion—they are officers.

If they be not officers what are they? Is there a class of authorities between the citizen and the recognized officer that has some other name? I ask why should not the regents of the University be subject to the constitutional provision limiting extent of term of service to two years? It may be answered that the stability of the regular, uniform management of the University will be better preserved when there is a long continuation in the performance of the duties. Experience and long familiarity with the work and duties will give them higher qualifications for the work, and the interests of the State and the institution with which they are connected will be better served when they have a long term of service. I may be willing to grant this proposition; but in granting these assumptions, I would say they apply equally to any other office that the law might fix. The State Superintendent of Public In-

struction is a creature of law. Will it be argued that the law could extend his functions beyond two years? The mere fact that it would be better for the interests of the State that regents could be appointed for a longer term than two years, is no argument that they were not included in the constitutional provision, because the argument in favor of long terms applies with equal force to all other creatures of law known as officers and performing public service.

The judge, the justice, the hide inspector, and every other functionary, will profit by experience, and perhaps serve the State better by long usage in his office. But the policy of the makers of the Constitution seems clearly to make the term of all servants and functionaries of short duration; and we cannot beg the question and say that regents are not officers, because in the very nature of their duties the State would be better served were they given a longer term of service. We dismiss this question. It is a mere quibble. Regents are officers under the Constitution. I will admit that I think it would be wise were they allowed a longer term—eight years if you please—but the Constitution prohibits this, and we must meet the difficulty.

The duration of the governmental officers of the University being limited to two years, a new question arises as to what is the best system of governmental officers for the institution with a limitation of such short duration. It is either that some authority shall elect or appoint citizens to govern the University for two years, or that the government shall fall as an *ex officio* duty on some officer elected by the people. It is not easy to determine in these cases what is the wise plan. I gave the matter much thought and weighed the two systems from every standpoint. I preferred that the officers who constitute the Board of Education, consisting of the Governor, Comptroller, Secretary of State, Superintendent of Public Instruction, and a Chancellor, to be appointed by the Senate, should constitute the governing power of the University.

These officers are in the main elected by the people, and any policies the people may desire to urge in relation to the University could always be made issues in the canvass. These officers are directly responsible, and their management would, in my opinion, be better and safer than if the government were placed in the hands of a Board of Regents, appointed for only two years. A regency with a term so short could scarcely meet and familiarize itself with the wants of the University before its term would expire. The State officers that I have approved as forming the government for the University would be ever present at the seat of the institution, and quickly become familiar with its wants and

abuses. It is true it would require diligence by officers in the performance of duties; but their government could not be less efficient than that of a Board of Regents scattered through the State, called together at great expense for a few sessions during their term of service. In short, the responsibility to the people direct of the officers named in the bill—they being in the field at all times for labor—their direct responsibility, the economy of their employment, and all other points, induced me to advocate the board as named, since a board of short duration of two years is imperative under the Constitution. It is urged that a Governor will exercise a controlling voice, because he appoints a Secretary of State. This alleged defect, which I do not admit is real, could easily have been remedied by substituting the Attorney-General or some other officer; but we find there is an independent action by these officers, and the Governor neither rules his appointees with iron rod, nor does he desire to rule them.

Objection is urged that the government of the University would become political, being in the hands of political authority. We cannot reason too far in advance; no conclusions on questions of this character can be relied on as being unerring. Our only remedy is to do the best we can, since we cannot continue a governmental body beyond two years. We prefer to take the active creature and live officer from the people, and make him responsible direct, in the field, instead of a scattered body, generally called together and held under the influence of a few of their number. While not wedded to this organization, for the government of the University, it is the best I can see under the circumstances that necessitates a change to comply with our constitutional obligations, the imperative demands of which cannot be ignored.

2. The second innovation against the old law, which is made in the bill presented by me is, that the law department of the University shall be self-sustaining, and professors' salaries be paid from tuition fees derived from students.

I will content myself with but few remarks in support of this policy. I regard the establishment of the law chair in the University as being least of all needed at the present time. I believe in applying the means of the University to the establishment and support of every chair before one dollar is applied for law professors. I have no objection to the crop of attorneys being as great annually as can spring up from their own spontaneity; but I object to the State encouraging an undue growth of material in this profession that is already overcrowded. Far better it is, in the various schools that may be established, to direct the minds of the bright and ambitious away from the ranks of a profession

where so few attain eminence, and in which there is an abundant supply to assist in the administration of justice. I have no hostility against the profession, but am far from recognizing the correctness of a policy that will encourage so many young men in following the study of the law, by opening doors and giving facilities, at the expense of cutting off something better. They may acquire a smattering in a profession, that generally recruits itself by hard studying, independent of State aid. For the present at least, this branch of the University should rely on itself.

I do not say that the same argument applies with equal force to the medical department, because we can scarcely have too many well educated physicians; but both these professions are in general recruited from a class that is well able pecuniarily to pay for its own tuition; and until we are stronger in our financial ability, and until we have supplied all other important chairs, I would leave the young gentlemen seeking education for these professions to use that energy and pluck and industry that has characterized and made successful and honorable a thousand noted names that are recorded in the history of these professions.

3. The bill provides that students shall pass an examination in the most advanced branches of high schools in such studies as they undertake in the University, and that this rule be strictly enforced.

I think that all who will reason without bias will commend this provision. The establishment at Austin should be a University strictly, and be supported for that character of instruction that pertains to a University. We have numerous high schools doing duty throughout the State, that are educating classes as advanced as those in the State University.

There are ample facilities at home for the high school courses, and I deem it a perversion of the University fund to maintain an institution at the capital that is a university in name and a high school in fact. I am well aware of the objection made to the rule that requires a proficiency of the standard I have indicated. It is stated that we have not sufficient material to fill the halls of the University with students advanced to this high grade. I ask, when will we have a sufficient number to fill the halls and justify the employment of professors at magnificent salaries? These institutions are of slow growth, unless they wait their time and permit subordinate institutions to precede them. This is the natural order of creation of these establishments. First in a State there grows a system of common schools—they multiply until school houses are marks in every neighborhood. Then come demands for secondary instruction, and high schools are the result. It would



be to reverse order were high schools founded when children had not learned the rudiments. After a strong system of high schools is established, then comes the demand for the college and university. Whether the University is before its time remains to be seen, but if it be in advance of what is demanded, it were better to close its doors for the time, and husband its funds until there be a condition of affairs in our educational advancement in which it will be demanded and sought for to perform its proper functions. But that it should serve as a mere school, I think improper and a perversion of its sacred funds. In my opinion the fixing of a high grade of scholarship would result only for a short period in cutting off attendance.

In connection with this point I will allude to some disturbances connected with the strict application of this rule in the bill I have under discussion, that are local in their nature. I am not here now to speak in uncertain words. It is well known that the grade of scholarship established by the authorities of the University (whether fixed by catalogue or not, it is useless to take time in discussion), is below the high school grade. It is a well known fact that a large number of students in the University are residents of Austin. It is a well known fact Austin can support a system of high school instruction second to that of no city in Texas, and prepare and graduate students for a university course in numbers almost sufficient to crowd the halls of this University, with its present capacity, from year to year. What do we find?

We find the students of this city, replete with educational institutions and advantages, public and private, leaving the forms to which they belong—the classes where their attainments place them—seeking for admission to the University! Plastic and yielding, as it is, and adopting its curriculum, instead of to a fixed standard, to meet the demands of those who ask to be admitted to its halls, the University becomes a high school in the midst of high schools, and it supplies its ranks from the material of the very city in which it is established!

I say this: were a high grade of scholarship established in the University, and an examination exacted that would require to be passed with success in the studies that pertain to a high school, the grade of scholarship would be advanced in this capital city, and an incentive would be added that would in the end make Austin the Athens of Texas. She needs but to cultivate her schools for secondary instruction—become a mother by her own local institutions—to supply material for a University; educating her own offspring and the youth of Texas to fit them to enter the halls

of the long-talked-of University that has honored her as the chosen seat of literature, science and art.

The University, with a curriculum fixing a low grade of scholarship for admission, depletes and even ruins the outside efforts of the local schools, public and private, degrades her own standing, and does untold harm to the advancement of the interests and respectability of the institution. Besides this, it injures the students of the city where situated, to whose advancement and education it seems to contribute. The lowering of the grade of scholarship, as I have stated, fills the institution with local students, whose wants can be better supplied by the private and public schools of the city, because they receive special attention under their home masters. In the University, students are left to rely upon themselves. "Learn or not learn" is the maxim of the University. When the professor delivers his lecture, the student can partake or not partake, digest or not digest. How unnatural to apply this rule, which is proper in its application for matured students, to youth who properly belong to the high school, and who need the helping hand and kindly encouragement of the master at every step in their studies!

I ask no confession from any student as to how far he or she has found that to learn means to study; and whether the student be in the primary, high school, college or University, that the matter of education rests with the student and his books, and not with the professor. What I desire to show, with reference to the material that goes to the university from Austin, is that it is an unhappy advantage which they enjoy. They pass from under the instruction of teachers who know them, and stand related to them with parental solicitude for their interests, into the lecture room of the professors, who know them not. They are deprived of that patient attention to their mental wants that they so much need, and are left to rely upon themselves. Despairing, they soon turn with pride simply to the fact that they are recognized as "students" in the University, and inflated with this thought, they content themselves after a brief sip from its fountains and try their wings and fly without their degrees. Happily had it been for Austin had the high grade of scholarship been established; her young men and her maidens would have made an effort in their home schools to enter the portals of the University that stands so grandly in her beautiful site; and the University, with her high standard of scholarship, would have warned them to stand afar until they are ready to take the food for matured intellects which she had prepared. To be able to enter the University would have been their first ambition in life, and having entered well prepared and

matured, the State would have been given cultivated men and women that would have been her honor and pride.

This stand for an advanced course pertaining to a university proper, should as well be taken now as at any period. I argue that while the University may be weak in numbers for a time, the mere existence of it as a fixed institution, with a curriculum of high grade, will stimulate in the preparation of students to fill its halls. I would dislike to think that the University is a creature in advance of the necessities of our State; to think so, would be to admit that the students already prepared to enter on mature studies, formed a number too small to demand a State institution. I think we have the scattered material well advanced in high branches, and willing to accept the advantages of a first class university, if proper means be applied to secure their attendance. I trust that a different management will cause students to clamor for admission to an overcrowded university, rather than that a hungry university, with depleted halls and empty benches, should lower its dignity by crying for striplings to listen to its wisdom.

4. In immediate connection with the subject of establishing a high standard of proficiency on the part of students of the University, I will refer to that feature of the bill that provides for the appointment of auxiliary professors to act as principals in high schools to be selected or established—one in each of the eleven congressional districts. This proposition has been denounced as a design to fritter away the University fund, and by disintegration destroy the main institution. It will be noticed by examination of criticisms that no one has assailed this proposition on the ground that it was unconstitutional. I think, from consideration of the question, and conference with others with reputation for knowledge of the law, that there is no question as to the power of the Legislature to employ auxiliary professors, and detail them for duty as superintendents of high schools, acting as preparatory for a University course.

I have thought of this plan long and well; and while not proposing it as a feature that would be permanent, it promises the best results while the institution is in its infancy, and the paucity of students desiring admission to a university proper is felt so keenly. Let there be a first-class institution, in each congressional district, with a course of study in strict harmony with the University; and let it be well conducted, and we will have a benefit to the students of such establishments excelled by only the University itself. The text books and general course of preparatory instruction can be made to conform to the dictates of the University; and let it be well conducted, and on entering the Univer-

sity for a student, it would be as though he were merely advancing gradually to a more elevated plane. Can any one say that these schools, thus organized, would not be beneficial? May we not reason that their establishment, with the incentive given by their professors and the certainty that their students would be able to pass to the University with an advanced course of study with better advantages, not stimulate, encourage, and even raise a desire in the minds of students and parents to take advantages offered by a great University. There can be nothing but benefit arising from these subordinate institutions; the money expended could not be considered as lost.

Let us see how far the charge of this being an attempt to ruin the University is supported. It was either ignorance or malice, or both of these bad incentives, that prompted this charge. The whole amount required for salaries of the eleven professors of these schools is sixteen thousand and five hundred dollars (\$16,500); and, mark well, there is a provision in the bill, in plain terms, directing that the appointment of these auxiliary professors shall only be made, "Provided the amount of the available University fund be sufficient to meet the expenses of salaries of other professors, officers and employes of the State University and the regular expenses of the State University, as required and provided for, to insure its successful support and management.

These are the exact terms of the bill. I give them in their very words, because they have been suppressed in outside hostile discussions, leveled by antagonists against these auxiliary professorships.

How could ruin follow these appointments, when it is expressly provided that everything needful to secure the successful support and management of the main University should be provided and appropriated before their appointment? With this restriction, how could anything have been done to mar the successful working of the University?

In the face of this provision, which I was careful to insert, deliberately intending that the main University should not be crippled, an intention plainly apparent from the substance of the proviso, who can doubt that the charge that this feature was aimed to destroy is not false? Who can doubt that it is not malicious—maliciously false? It could not injure; then how could it have been intended to injure? Could an intelligent critic have digested the plan as to these professorships without having read the proviso relating to their appointment. To award him honesty of purpose in his criticism, I must deny him common intelligence.

There was nothing but good intended in this strait in which the University is found—seeking for students; and this remedy was



to be applied only for a period when it would be needed. I was willing to have experimented with this legislation as a remedy. Had it proved unsuccessful, it could have been abandoned.

It could do no harm to the main University, but could accomplish much good where these schools were to be established. This charge that I repel, that I aimed to destroy the University, is a sample of the misrepresentations that I feel called upon to denounce.

5. The salaries of professors as prescribed in the bill should be referred to briefly. The bill, elsewhere than in the section giving rates of salaries, prescribes that appropriations shall be made at each session of the Legislature for salaries of professors, and all other expenses of the University.

The section fixing salaries was easily changed, had the Legislature seen fit to not agree on the rates as fixed. The cry raised against salaries being so low as to be degrading to those to whom they were offered, was one of those subterfuges concocted to raise prejudice against the system of legislative jurisdiction on this question. What I desired to do was to have salaries fixed by the Legislature itself, and not entrust that prerogative to any other authority. A few hundred dollars, or even thousands, expended in this direction, would not have been opposed by me or met with disfavor.

I wanted these questions of salary fixed by law. I could not conceive but that the Legislature was able to take jurisdiction of this question, and that it had competency to determine what was a reasonable expenditure for the services of professors. But there was an outside influence, I cannot say by whom instigated, that desired to keep this jurisdiction to fix the salaries of professors in the discretion of the Board of Regents. It was a power existing, and was held to and advocated, for some purpose, with a tenacity that was strange, passing strange; and I will not attempt to fathom for what reasons, motives, or for whose benefit. The doctrine advanced was that the Board of Regents was in the field, and should have unlimited control of the purse of the University. It was their mission to hunt down professors, or to weigh the evidences of professors who besieged them with testimonials. They were to select such men as would make the Texas University famous. We pause to ask whether fancy prices paid for salaries would give reputation to professors not already famous? We pause to ask whether a name with a dozen degrees abbreviated, with half the alphabet affixed, without any other history, would add to the reputation of the University?

I have lived long enough to know and believe that all men, who have passed through a practical life as mine has been, and I believe all students who have passed through college or university, will realize that professors who have the highest fame and the grandest array of titles, are not always the professors that are best adapted to the mission of teachers. They frequently have a pride above their work, and their intercourse with students, and modes of instruction are anything but satisfactory.

I know there is a reputation that attaches to a student if he can claim to have been an alumnus of some noted university. Again, if he can claim that he was a student of a celebrated professor, he acquires a species of notoriety. Alas! How many who pass through noted universities, and listen to renowned professors, acquire no other reputation through life than these poor honors?

But I must hasten on. What I sought was that the Legislature should take jurisdiction over this question of salaries, and give to our University a professorship that was learned, substantial and all sufficient to lead our youth to the highest planes. I desired that substantial salaries should be paid to talented men; and that a class of instructors should be selected who are real teachers, practical and in love with their profession of teachers. I must say, with gratification, that there is an abundant source from which to supply our University with men of this class.

When the State furnishes a substantial, learned professorship, the student should be satisfied—she has done her duty. The false glamour that a student might pride in for having listened to a professor whose fame is world-wide, is an enjoyment that the State does not owe him. The real, substantial and sound education is what the State should give—and this only she offers to him; and, as to whether he will be benefitted, depends upon himself. Guided by a teacher who loves the work of teaching—whose head is not so far in the stars in his flights and theories as to lose sight of his mission—every student can reach all that his industry and his intellect can attain. I think an economy may be practiced in this direction relating to salaries, and the real substantial efficiency of the University not be impaired. Far be it from my wish to degrade men of learning, and to offer to them paltry recompense for their services. Give—give to them lavishly—to the utmost extent that our abilities can reach; but let us not go beyond the extent of our means in this generosity.

Texas could only offer the best her facilities could afford and no more could be expected. If she gives a learned, substantial professorship, employed at no fancy salary, she has given the essentials for a good education; and if her sons reject her offer

because she cannot give the luxury of the sauce of world wide reputation for her teachers, she is not to blame.

I have covered every point that I have advocated in the bill introduced by me. I have acted according as I have thought right, in the introduction of this bill. No man is responsible for these measures other than myself. Owing to relations of close friendship existing between me and Gov. Ireland, by those vindictive against us both, he has been charged with attempting, of proof has been offered in support of this coalition, and the as-through me, to inject these measures into the laws. Not one word section rests on bare assumption. I can do no more than to enter my solemn protest against coupling his name with these measures, because he neither framed them, dictated them nor suggested them; and I am not advised as to how far he would have sanctioned them, had they been submitted to him as legislative acts for executive sanction. I wish to bear all this burden alone. I take all the responsibilities. Since unjust criticism of the press has called forth these remarks, it may not be out of place to thank those gentlemen of the press who have fairly stated the principles in the bill, and who follow the advice: "to nothing extenuate nor aught set down in malice."

I do not object to their healthy criticism on these measures. It is by fair discussion that the truth is reached. An enlightened press, as the greater part of our press is, assists largely to secure that which is to the best interests of the State. I have been dealt with fairly by many who noticed these measures, and my principles have not been misrepresented or my motives impunged. It is only a few against whom I raise my voice—I call them not by name; they are all too well known to need specific designation, and pronounce them as curses rather than as blessings to the people.

The University has no stronger friend than I. Its branch, the Agricultural and Mechanical College, is also my pride. I trust in the near future to see all our great educational establishments moving hamoniously, without rivalry, richly endowed, and their halls filled with our noble Texas youth, who will be dismissed from her portals firm in their morals, with strong muscles and with cultivated intellects, ready to do battle with the world and to do honor to their State and family in all the varied duties of life.

#### GENERAL LAWS

S. B. No. 150; Ch. 12, pp. 13-14. G. pp. 633-634

An Act to amend sections 9 and 10 of an act entitled "An act to provide for the classification, sale and lease of the lands heretofore or hereafter surveyed and set apart for the benefit of the

Common School, University, the Lunatic, Blind, Deaf and Dumb, and Orphan Asylum funds."

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That sections 9 and 10 of an act entitled "An act to provide for the classification, sale and lease of the lands heretofore or hereafter surveyed and set apart for the benefit of the Common School, University, the Lunatic, Blind, Deaf and Dumb, and Orphan Asylum funds," be and the same are hereby amended so as hereafter to read as follows:

SECTION 9. The purchaser shall pay at once to the person calling for the State or to the State Treasurer as the board may determine and within such time as it may fix, one thirtieth of the amount bid and execute his obligation for the remainder of the purchase money payable to the State of Texas and binding the purchaser to pay one-thirtieth of the whole price on the first day of each succeeding year until the whole is paid, and interest at the rate of five per cent per annum on the whole unpaid purchase money from date payable annually on or before the first day of March of each year; and provided that after the expiration of seven years the purchaser shall have the option to pay the unpaid principal; and provided that a failure to pay the annual installments of principal shall not work a forfeiture until the whole sum is due; provided that, upon proof of actual occupation, use and improvement for three consecutive years, the purchaser shall be permitted to pay all of the purchase money remaining unpaid: provided also that if the payment of the annual instalments of interest be made the first day of August succeeding the first day of March when the same became due then no forfeiture shall result or be taken for such delay in such payments; provided further that any person acting as agent or attorney for another in the purchase of any of said lands shall file with the person authorized to sell a legally executed power of attorney from his principal or other instrument in writing from a court of competent authority to invest him with powers to consummate a contract.

SECTION 10. If upon the first day of August of any year the interest due on the first day of the previous March remains unpaid the custodian of the obligation of the purchaser shall endorse on it "lands forfeited" and the account kept with the purchaser shall show such failure to pay and such forfeiture; the failure to pay the interest by the first day of August following its maturity shall ipso facto work a forfeiture and the entry on this account shall be evidence of the fact and there shall be no necessity for judicial ascertainment of the facts of the forfeiture; and no defaulting purchaser or those claiming under him shall evade or avoid the effects of such forfeiture at once by reason of any statute or law, which for coverture, infancy or the like would otherwise give them



additional time for the payments or action, except as follows: Should any purchaser die the representatives or heirs of the deceased shall have one year within which to pay the interest due on the first day of March next after such death.

Approved February 16, 1885.

S. B. No. 230; Ch. 17, p. 18; G. 9, p. 638

An Act to prevent the forfeiture of the rights of purchasers of Public Free School, University or Asylum land.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That the failure of a holder of public free schools, university or asylum land, under contract of purchase from the State, to make the annual payments of principal or interest thereon prior to the first day of August after the same becomes due shall not cause a forfeiture of the rights of such holder in such land.

Approved, February 23, 1885.

[The act cited was not supposed at the time of its passage to repeal the forfeiture provision of the act of 1883 as amended in 1885, and a large number of forfeitures were taken under this section between 1886 and 1893. The Supreme Court having expressed the opinion that the forfeiture clause was repealed by the last named act of 1885, I understand it to be the practice of the Commissioner to reinstate these forfeitured accounts upon application.]

R. L. Batts in Sixth Biennial Report of the Board of Regents, Dec. 1894, pp. 54-55.

H. B. No. 586; Ch. 89, p. 83; G. 9, p. 703

An Act to protect persons in the settlement of the Common School, University, the Lunatic, Blind, Deaf and Dumb and Orphan Asylum lands, and to prescribe penalties for an interference with their legal rights.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That any person who by force, threats or intimidations shall prevent or attempt to prevent or shall combine and confederate with others to prevent or attempt to prevent any person who has acquired a right thereto in accordance with the laws of the State from peaceably entering upon and establishing a settlement on any parcel or tract of land belonging to the Common School, University, the Lunatic, Blind, Deaf and Dumb and Orphan Asylum lands, subject to purchase and settlement under and in accordance with the laws of this State, shall be deemed guilty of a misdemeanor and upon conviction therefor shall be fined in any sum not less than two hundred nor more than one thousand dollars, and in ad-

dition thereto shall be imprisoned in the county jail not less than one nor more than six months.

Approved March 31, 1886.

**S. H. B., No. 370; Ch. 115, p. 112; G. 9, p. 741**

An Act making appropriations for the support of the State government for the years beginning March 1, 1885, and ending February 28, 1887, and for other purposes.

#### STATE UNIVERSITY

For the support and maintenance of the State University for the two years ending February 28, 1887, for the erection of building, improvement of grounds and purchase all necessary accessories, to be under the control of the Board of Regents; all the available University fund on hand, and all interests on the permanent University fund, including bonds and all other interest bearing indebtedness now or hereafter belonging to the permanent University fund, and all amounts derived from the lease of University lands, subject, however, to the appropriation herein made for the A and M. College.

#### AGRICULTURAL AND MECHANICAL COLLEGE

For support and maintenance of the Agricultural and Mechanical College for the two years beginning the first of March 1885 and ending twenty-eighth day of February 1887, the following sums:

Out of the general fund, the sum of.....	\$10,000	\$10,000
Out of the University fund the sum of.....	5,000	5,000

Approved April 1, 1885.

### **TWENTIETH LEGISLATURE, REGULAR SESSION, JANUARY 11 TO APRIL 4, 1887**

#### **MESSAGE OF GOVERNOR JOHN IRELAND**

**January 11, 1887; H. J. pp. 15, 26; S. J. pp. 11, 22**

#### **SCHOOL, UNIVERSITY, AND ASYLUM LANDS**

Under the operation of the Act of April 12, 1883, the Land Board has sold of the school lands 3,000,000 acres, of the University lands 21,000 acres, and of the asylum lands 177,000 acres, at an

average price of \$2.00 per acre. These lands have been sold to actual settlers only. In the act referred to is found the authority to lease.

I would remind the Legislature that it is no easy matter to change the ideas and habits of a people when those ideas and habits have been indulged in for ages without hindrance or restraint. And as no former administration even attempted to utilize the people's grass, or derive a rental from the unoccupied lands of the State government, it is not to be wondered at that the laws passed during my term of office, on this most important question should excite some little opposition from interested parties, and cause them to seek means to avoid and defeat these laws, if possible. People who have been accustomed to graze their cattle free of charge on the State lands may be slow to approve the order of things which aims to make them pay for benefits conferred; but I have no doubt that in a very short period the principle of dealing with the State as one would with an individual will be universally recognized, and that stockmen and others will willingly—aye, gladly—render to the commonwealth a fair equivalent for those privileges which they have so long enjoyed gratis. . . .

#### THE STATE UNIVERSITY

This institution is in its infancy, but on a permanent basis. The faculty is an excellent one, and we look forward to the near approach of the time when our people will educate their children at home, and the children of Texas will crowd the walls of the University of Texas.

I trust that a way may be found of enabling the Regents to speedily complete the building, and to put into operation the Medical Department. In this connection, I call the attention of the Legislature to the claim against the State for money used at the Prairie View Normal School in 1881-82, amounting to \$22,495.75.\*

This amount should be refunded to the University. I invite attention to the report of the board of regents, a copy of which I herewith transmit.

#### PROCEEDINGS IN THE LEGISLATURE

H. B. 49—By Mr. Shield.

To provide for the sale and lease of the common school and other public lands.

Read subject to call. H. J. p. 982.

H. B. 229—By Mr. Tate.

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\*\$14,495.73, according to Comptroller Swain, in a letter to the Regents dated November 27, 1886. Even this amount was incorrect. See Statistical Table 23.

To regulate the sale of and care for the timbered public lands.  
Substitute reported. H. J. p. 995.

H. B. 282—By Mr. Shield.

To repeal section 16, chapter 88, General Laws of the Eighteenth Legislature which permits the lease of the public lands.

Substitute reported. H. J. p. 999.

H. B. 304—By Mr. Bransford.

To extend for ten years the payment of principal of purchase money for lands purchased under certain acts of the Legislature.

Became a law. H. J. p. 1001; S. J. p. 806.

H. B. 331—By Mr. Christenberry.

To provide for the sale of lands set apart for the common schools, University, etc.

Substitute reported. H. J. p. 1003.

H. B. 332—By Mr. Hudgins.

To restore to the University money drawn therefrom by the State and to provide for the payment of interest.

Died in Committee. H. J. p. 1003; Lane pp. 90-91.

H. B. 354—By Mr. Gresham.

To provide for the exclusive management and control of the lands of the University by the Regents.

Reported adversely. H. J. p. 1005; Lane pp. 91-92.

H. B. 376—By Mr. Jackson.

To provide for the sale of timber on common school, University and asylum lands.

Substitute reported. H. J. p. 1007.

H. B. 412—By Mr. Moore of Travis.

To provide for the classification, sale, and lease of all lands set apart for common schools, University and asylums.

Substitute reported. H. J. p. 1010.

H. B. 422—By Mr. Payne.

To provide for the sale and lease of public lands set apart for the common schools, University and asylums.

Substitute reported. H. J. p. 1011.

H. B. 424—By Mr. Showalter.

To provide for the classification and sale of all lands set apart for the common schools, University and asylums.

Substitute reported. H. J. p. 1011.

H. B. 448—By Mr. Davis of Shelby.

General Appropriation bill.

Became a law. H. J. p. 1012; S. J. p. 809; Lane pp. 89-90, 262.

H. B. 550—By Mr. Gresham.

To define the University and its branches, to perfect its organization and to give the Regents control of its branches and its lands.

Adversely reported because like H. B. 593. H. J. p. 1020.



H. B. 569—By Mr. Baylor.

To correct errors and conflicts in surveys of University lands, etc.

Became a law. H. J. p. 1022.

H. B. 593—By Mr. McGaughey.

To perfect the organization of the University and its branches and to give its Regents control of its branches and lands.

Reported favorably. Died in Committee. H. J. p. 1023.

H. B. 597—By Mr. Buchanan.

To give the A. and M. College 25 per cent of the University lands.

Reported favorably for 20 per cent. H. J. p. 1024.

H. J. R. 18—By Mr. Gresham.

Joint resolution to amend section 11 of article 7 of the Constitution of the State of Texas.

Became a law. H. J. p. 247, 256; S. J. p. 879.

H. B. —By Mr. McGaughey.

To pay the old indebtedness of the State to the University, to give the Regents control of the University lands; to better establish the relations between the University and its branches by placing them all under a new board of management, and giving them each additional and separate land endowments out of the Pacific railway reservation as a compromise; and making provisions for acceptance of donations from Galveston and the executors of the Sealy estate for the early establishment of the Medical Department.

Lane p. 86. Never reported, apparently never numbered. No reference found in House Journal, except to a resolution "relative to the University and A. and M. College." H. J. p. 1058.

H. C. R. 13. By Mr. Hudgens.

To provide for a joint committee to visit, inspect and report on the State University at Austin.

H. J. p. 505.

S. B. 63—By Mr. Houston.

To provide for the sale of all public lands.

Died in committee. S. J. p. 766.

S. B. 131—By Mr. Lane.

To regulate the lease and sale of the public lands (including University.)

Died in Committee. S. J. p. 772.

S. B. 143.—By Mr. Frank.

To turn over to the Regents the University lands.

Lost in the House. See Lane pp. 88-89. S. J. p. 773.

S. B. 172—By Mr. Jarvis.

Appropriation bill.

No report of bill being engrossed. S. J. p. 776.

H. B. 179—By Mr. Armistead.

To confirm the exchange of lands made by the Land Commissioner for the University and restore the rejected blocks to the reserved public domain.

Tabled in House on motion of Mr. Pendergast of McLennan. S. J. p. 777.

S. B. 219—By Mr. McDonald.

To provide for the sale and lease of all the public lands.

Became a law. S. J. p. 781; H. J. p. 1030.

S. B. 294—By Mr. Woods.

To amend the law relating to classification, sale and lease of the public lands (including University).

Failed to be read a second time. S. J. p. 788.

S. B. 295—By Mr. Woods.

To repeal the act preventing forfeiture of the rights of purchasers of school, university, and asylum lands.

Failed to be read a second time. S. J. p. 789.

S. B. 320—By Mr. Glasscock.

To define the University and its branches, to perfect its organization, to give the Regents control of its branches and lands.

Died in Committee. S. J. p. 791.

S. J. R. 10—By Mr. Frank.

To amend Section 4, Article 7 of the Constitution.

Died on calendar. S. J. p. 876.

S. J. R. 24—By Mr. Calhoun.

To amend Section 12, Article 7, of the Constitution.

Unfavorably reported. S. J. p. 877.

## GENERAL LAWS

S. S. B. No. 219; Ch. 99, pp. 83-91; G. 9, pp. 881-889

An Act to provide for the sale of all lands heretofore or hereafter surveyed and set apart for the benefit of the Public Free Schools, the University, and the several Asylums, and the lease of such lands and of the public lands of the State, and to prevent the free use, occupancy, unlawful enclosure, or unlawful appropriation of such lands, and to prescribe and provide adequate penalties therefor.

SEC. 2. The Commissioner of the General Land Office is hereby vested with all the power . . . necessary to carry into effect the provisions of this act. . . . He shall . . . adopt regulations . . . so as to protect the public interest; but all regulations shall be submitted to the Governor for his approval before adoption or promulgation. He shall adopt all necessary forms of applications for sales or leases, . . . and may from time

to time call upon the Attorney-General to prepare such forms, and it shall be the duty of that officer to furnish the Commissioner of the General Land Office with such advice and legal assistance as may be requisite for the due execution of the provisions of this act; . . .

SEC. 3. . . . the Commissioner of the General Land Office shall cause all the lands belonging to the several funds named in this act, which may be in demand for immediate settlement, to be carefully . . . classified and valued; and for this purpose he may appoint, with the approval of the Governor, such number of competent State agents as may be necessary to effect such classification and valuation; . . . and with the approval of the Governor he may allow such compensation to said State agents as may be just and proper, not to exceed the sum of one hundred and fifty dollars per month and necessary expenses for subsistence. . . .

SEC. 4. It shall be the duty of such State agents . . . to classify all the lands belonging to the several funds mentioned in this act, . . . into agricultural, pasture, and timber lands; and for this purpose they shall carefully examine the same, and after such examination they shall prepare an accurate plat of each section, showing the relative proportions of timber and open land on such section, and their situation, also the quality of the soil, and topography of the land, and the quality and kind of timber, and the streams and other sources of water supply, and their location, noting such streams as may be permanent water, and such other facts as may be important; . . .

SEC. 5. When any portion of said land has been classified . . . such lands shall be subject to sale, but to actual settlers only, and in quantities of not less than one hundred and sixty acres and in multiples thereof, nor more than six hundred and forty acres.

SEC. 6. It shall be the duty of the Commissioner of the General Land Office to notify in writing the county clerk of each county of the valuation fixed upon each section of land in his county, . . .

SEC. 7. All lands . . . shall be sold at not less than two dollars per acre. All sections of lands having permanent water on, or bordering thereon, shall be sold at not less than three dollars per acre, and not less than one hundred and sixty acres shall be sold, except in cases where a fractional part of a section less than one hundred and sixty acres is unsold, in which case the entire fractional part of such survey shall be sold: *Provided*, That no watered portion of any section shall be sold unless there is permanent water on, or bordering on, the part of said section remaining unsold; and all timber land shall be sold at not less than five

dollars per acre. By timber lands, as here used, is meant lands valuable chiefly for the timber thereon.

SEC. 8. Any *bona fide* actual settler who may reside on any part of the lands the sale of which is authorized by this act, at the time this act may go into effect, shall have the right, for a period of six months after the same shall have been appraised, to purchase such quantity of land as may be limited by this act, to include his improvements, upon complying with the provisions of this act, regulating sales as in other cases, and such lands shall be appraised without reference to the improvement thereon: . . . .

SEC. 9. All sales shall be made by the Commissioner of the General Land Office, or under his direction, and he shall prescribe suitable regulations whereby all purchasers shall be required to reside upon, as a home, the land purchased by them, for three consecutive years next succeeding the date of their purchase. . . . . The purchaser shall transmit to the Treasurer of the State one-fortieth of the aggregate purchase money for the particular tract of land and send to the Commissioner his obligation to the State, **duly executed**, and binding the purchaser to pay to the State on the first day of August of each year thereafter, until the whole purchase money is paid, one-fortieth of the aggregate price, with interest thereon from date at the rate of 5 per cent per annum on the whole unpaid purchase money. . . . .

SEC. 10. All purchasers shall have the option of paying the purchase money for their lands in full at any time after they have occupied the same for three consecutive years. . . . . Purchasers may also sell their lands at any time after sale is effected under this act, and in such cases the vendee, or any subsequent vendee, may file his own obligation with the Commissioner of the General Land Office, together with the duly authenticated conveyance, or transfer, if any there be, duly recorded in the county where the land lies, or to which it may be attached for judicial purposes, together with his affidavit stating that he desired to purchase the land for a home. . . . .

SEC. 11. If upon the first day of August of any year the interest due on any obligation remains unpaid, the Commissioner of the General Land Office shall endorse on such obligation "land forfeited," and shall cause an entry to that effect to be made on the account kept with the purchaser, and thereupon said land shall be forfeited to the State, without the necessity of re-entry or judicial ascertainment, . . . . . And provided further, That nothing in this section contained shall be construed to inhibit the State from instituting such legal proceedings as may be necessary to enforce such forfeiture, or to protect any other right to such land, which suits may be instituted by the Attorney General, under the



direction of the Governor, in the proper court of the county in which the land lies, or in the District Court of Travis County, and jurisdiction of such causes is hereby expressly conferred on said courts.

SEC. 12. The Commissioner of the General Land Office shall retain in his custody as records of his office all applications, affidavits, obligations, and all other papers relating to sales of said lands. . . . All purchase money due upon lands, as well as accrued interest, and all other moneys arising from the sales or leases of said lands, shall be paid by the purchaser or lessee direct to the Treasurer of the State. . . .

SEC. 13. The Commissioner of the General Land Office shall adopt such regulations, for the sale of timber on timber lands as may be deemed necessary and judicious, such regulations to be subject to the approval of the Governor. Such timber shall not be sold for less than five dollars per acre cash, except in such cases as the Commissioner may ascertain by definite examination of a State agent that any particular section is sparsely timbered or contains timber of but little value, in which case he shall be authorized to sell the timber on said section at the best price on the best terms practicable: *Provided*, Such timber is sold at not less than two dollars per acre; and in no case shall less than one section of timbered land be sold to any purchaser. . . .

SEC. 14. The public lands . . . shall be leased by the Commissioner of the General Land Office in accordance with the provisions of this act. Such leases shall be for a term of not more than five years, and the lessee shall pay an annual rental of four cents an acre for all pasture lands leased, which rental shall be paid each year in advance, the first payment to be made at the time the lease is executed; and if at the termination of the lease such land is still subject to lease, the lessee or lessees thereof, whose term of lease is expired, shall have the refusal of such land as he has been leasing, on the terms and at the price that may be fixed therefor by the Commissioner of the General Land Office. All leases shall be executed under the hand and seal of the Commissioner of the General Land Office, and shall be delivered to the lessee or his duly authorized agent, and such lease shall not take effect until the first annual rent is paid and the lease is duly filed for record in the county where the land lies, or to which it may be attached for judicial purposes, and it shall not be necessary for the Commissioner to acknowledge such lease before the same is placed on record.

SEC. 15. Any person desiring to lease any portion of the public lands, or the lands belonging to the several funds mentioned in this act, shall make application in writing to the Commissioner of the General Land Office, specifying and describing the particular

lands he desires to lease; and thereupon the Commissioner, if satisfied that the lands applied for are not in immediate demand for purposes of actual settlement, and that such lands can be leased without detriment to the public interest, shall notify the applicant in writing that his proposition to lease is accepted. . . . The lands classified as agricultural lands, which may be leased under this act, shall be leased subject to sale as provided by this act, and whenever such leased lands may be purchased the lessee shall give immediate possession to such purchaser: *Provided*, That the lessee shall have a *pro rata* credit upon his next year's rent, or the money refunded to him by the Treasurer, as he may elect: *Provided*, That no such sale shall be permitted where such lessee shall have previously placed improvements of the value of one hundred dollars upon such section of land so sought to be purchased: *And provided further*, That no actual settler who shall purchase land within any leasehold shall be permitted to turn loose more than one head of cattle or horses for every ten acres of land purchased by him and unenclosed, or, in lieu thereof, four head of sheep or goats to every ten acres of land so purchased and unenclosed. Each violation of the provision of this act which restricts the number of stock that may be turned loose on lands leased from the State shall be an offense, and the offender on conviction shall be punished by fine of not less than one dollar for each head of stock he may turn loose, and each thirty days violation of the provisions of this section shall constitute a separate offense.

SEC. 16. All lessees shall pay the annual rents due for leased lands directly to the Treasurer of the State. . . .

SEC. 17. If any lessee shall fail to pay the annual rent due in advance for any year, within sixty days after such rent shall become due, the Commissioner of the General Land Office may declare such lease canceled, by a writing under his hand and seal of office, which writing shall be filed with the papers relating to such lease, and thereupon said lease shall immediately terminate and the lands so leased shall become subject to purchase or lease, as the Commissioner may determine for the best interest of the State. And during the continuance of all leases, and after forfeiture, the State shall have a lien upon all the property upon the leased premises to secure the payment of all rents due, which lien shall be prior and superior to all other liens whatsoever, and it shall not be essential to the preservation or validity of such lien that it shall be reserved in the instrument of lease.

SEC. 18. It shall be unlawful for any person to fence, use, occupy, or appropriate, by herding or line-riding, any portion of the public lands, of the State, or of the lands belonging to any particular fund specified in this act, without having first obtained a

lease of such lands in accordance with the provisions of this act. Any person, whether owner of stock, manager, agent, employe, or servant, who shall fence, use, occupy, or appropriate, by herding or line-riding, any portion of such lands without a lease thereof, shall be deemed guilty of a misdemeanor, and shall, upon conviction, be fined not less than one hundred nor more than one thousand dollars, and in addition thereto shall be imprisoned in the county jail for a period of not less than three months nor more than two years. . . .

SEC. 19. The provisions of this act as set forth in the preceding section, shall not apply to persons who are moving, or gathering, or holding for shipment any stock mentioned in said article: *Provided*, The said persons have not erected any fence on such lands, or continue on said lands longer than one week.

SEC. 20. All enclosures of or fences upon any portion of the public lands, or lands belonging to the public free school, asylum, or university funds, without lawful authority, shall be removed within sixty days from the time this act shall take effect. . . .

SEC. 21. It shall be unlawful for any person or corporation who may have used any of the lands by joining fences or otherwise, to build or maintain more than three miles lineal measure of fence, running in the same general direction, without a gateway in same, which gateway must be at least ten feet wide, and shall not be locked or kept closed so as to obstruct free ingress and egress: . . . *Provided further*, When herds of cattle, horses, sheep or goats are driven through this State from one place to another place in this State, and it becomes necessary for such stock to pass through any enclosed pasture of any person who has leased any of the aforesaid lands, such lessee of such enclosure shall permit such stock to pass through such pasture: *Provided*, The owner of such stock so driven through any such enclosure shall move the same as expeditiously and with as little delay as practicable through any enclosure.

SEC. 22. The Commissioner of the General Land Office, under the direction of the Governor, may withhold from lease any agricultural lands necessary for purposes of settlement or . . . .

SEC. 23. The sum of eighty thousand dollars, or so much thereof as may be necessary, is hereby appropriated, out of the several funds . . . . to pay the expenses of executing this act, . . .

SEC. 24. Leaseholds created under the provisions of this act shall be exempt from all taxation.

SEC. 25. Nothing in this act shall be construed to impair, interfere with, or in any manner affect any lease or sale, or the rights growing out of the same, made under former laws, of the lands herein referred to: . . . .

SEC. 26.. All laws and parts of laws in conflict with this act are hereby repealed; and the Secretary of the Land Board is hereby authorized and directed immediately upon the passage and approval of this act to deposit with the Commissioner of the General Land Office all the books, papers, and records belonging to or pertaining to said Land Board, and such books, papers, and records shall hereafter constitute a part of the records of the General Land Office.

Approved, April 1, 1887.

H. B. No. 569; Ch. 115, p. 107; G. 9, p. 905

An Act to provide for ascertaining and correcting conflicts and errors in surveys of lands for the Common School, University, or Asylum Funds, or other lands in which the State may be interested; to provide for the resurvey of same, and for patenting and repatenting surveys in certain cases.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That for the purpose of ascertaining the conflicts and errors in and making proper corrections of surveys of lands made for the common school, university, or asylum funds, or other surveys in which the State may be interested, directly or indirectly in cases where from discrepancies or imperfections in field notes it may become necessary for the proper compilation of maps, or for the proper location and identification of said lands upon the ground, the Commissioner of the General Land Office is hereby invested with full power and authority to have such surveys made as he may deem necessary, and to appoint competent surveyors for this purpose.

SEC. 2. Any surveyor appointed under the provisions of this act shall make and execute a bond in the sum of ten thousand dollars, conditioned and payable the same as bonds of county and district surveyors; he shall also take the oath prescribed by the Constitution for other officers; said bond to be approved by the Commissioner of the General Land Office, and shall be conditioned as other surveyors' bonds. He shall be under the control and direction of the Commissioner of the General Land Office and under such direction may survey the common school, university, and asylum lands, or other lands in which the State may be interested, and prepare and return field notes of same, and certify to any and all facts, and generally do and perform such official acts as might lawfully be done by a county or district surveyor, and shall sign his name officially as "State Surveyor."

SEC. 3. The Commissioner of the General Land Office may have any lands belonging to the common school, university, or asylum funds, or other lands in which the State may be interested, or lands



alternating therewith, surveyed, or resurveyed, and field notes or corrected field notes of same returned to his office, by any surveyor appointed under this act, which field notes shall have the same force and effect as if made by the county or district surveyor of the county or district in which said land lies, and upon the adoption and approval of said field notes by the Commisisoner of the General Land office, he shall forward to the surveyor of the county or district in which said land lies, certified copies of said field notes, which thereafter shall be a part of the records of said surveyor's office. In carrying out the provisions of this act, the Commissioner of the General Land Office may, when requested by the owner of lands alternating with the lands resurveyed under the provisions of this act, cancel patents, and in lieu thereof issue patents in accordance with said resurvey: *Provided*, that all such owners shall pay the expenses incurred in making such corrected surveys of their lands and in issuing said patents: *Provided*, That no claim shall be created against the State for services performed under this act in the absence of a previous appropriation therefor.

Approved, April 2, 1887.

H. B. No. 448; Ch. 146, p. 148; G. 9, p. 946

An Act making an appropriation for the support of the State government for the years beginning March 1, 1887, and ending February 28, 1889, and for other purposes.

STATE UNIVERSITY

For the support and maintenance of the State University for the two years ending February 28, 1889, for the erection of buildings, improvement of grounds, and purchase of all necessary accessories, to be under the control of the board of regents, all of the available university fund on hand, and all interest on the permanent university fund, including bonds and all other interest-bearing indebtedness now or hereafter belonging to the permanent university funds and all amounts derived from the lease of university lands, subject, however, to the appropriation herein made for the Agricultural and Mechanical College.

AGRICULTURAL AND MECHANICAL COLLEGE

For the support and maintenance of the Agricultural and Mechanical College for the two years beginning March 1, 1887, and ending February 28, 1889:

	1888	1889
out of the General Revenue.....	\$15,000	\$10,000
out of the University fund.....	5,000	5,000

Approved April 5, 1887.

No. 4, H. J. R., No. 18; p. 156; G. 9, 954

JOINT RESOLUTION to amend Section 11 of Article 7, of the Constitution of the State of Texas.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That Section 11 of Article 7 of the Constitution of the State of Texas, be so amended as to read as follows, to wit:

Sec. 11. It is hereby declared that all lands and other property heretofore set apart and appropriated for the establishment and maintenance of the University of Texas, together with all the principal of the proceeds of sales of the same heretofore made or hereafter to be made, and all grants, donations, and appropriations that may hereafter be made by the State of Texas, or from other source, shall constitute and become a permanent University fund. And the same as realized and received into the treasury of the State (together with such sum belonging to the funds as may now be in the treasury), shall be invested in bonds of the United States, the State of Texas, the counties in said State, or in such other securities and under such restrictions as may be prescribed by law, and the State shall be responsible for all investments. And all the interest accruing thereon shall be subject to appropriation by the Legislature to accomplish the purpose declared in the foregoing section: *Provided*, That the one-tenth of the alternate sections of the lands granted to railroads reserved by the State, which were set apart and appropriated to the establishment of the University of Texas by an act of the Legislature of February 11, 1858, entitled "An Act to establish the University of Texas," shall not be included in or constitute a part of the permanent University fund.

Sec. 2. The foregoing amendment shall be submitted to a vote of the qualified electors of the State of Texas at an election to be held for that purpose on the first Thursday in August, 1887, at which election the voters favoring this amendment shall have written or printed on their ballots the words "For the amendment to Article 7," and those opposed the words "Against the amendment to Article 7." The Governor of the State is hereby directed to issue the necessary proclamation for said election under the laws of the State.

Approved, March 29, 1887.

[At the election held Aug. 4, 1887, for or against amending section 20, article 16; section 24, article 3; section 11, article 7; section 12, article 8; section 4, article 6; and article 5, each of the proposed amendments was overwhelmingly defeated. The vote on section 11, article 7, was 66,958 for and 165,856 against. Report of Secretary of State, 1888, pp. 146-148.]

## TWENTIETH LEGISLATURE, CALLED SESSION, APRIL 16 TO MAY 15, 1888

### MESSAGE OF GOVERNOR L. S. ROSS

April 16, 1888; H. J., p. 10; S. J., p. 11

Four hundred and eighty-three thousand five hundred dollars of these bonds belong to the public schools, University and several asylums.

I question the wisdom of paying these latter bonds at their maturity, in view of the fact that they belong to these special funds, and as it is difficult to obtain a safe investment, the money would probably remain for a time idle in the treasury, with a consequent loss of interest, which would fall upon the people in the end. . . .

. . . . .

But \$248,700.00 of the bonds outstanding and soon to fall due belong to private parties and must be paid at maturity.

If, therefore, you do not disturb the present rate of taxation, we may safely calculate upon the excess of receipts after disbursements to supply the government with the necessary funds to meet its obligations to these private creditors, and this will leave you the present surplus in the treasury, less the amount remitted to the tax-payers to be disposed of, in the payment of existing deficiencies on revenue account heretofore mentioned, adjust the State indebtedness to the University. . . . .

April 19, 1888; H. J., pp. 26-36; S. J., pp. 21-31

I have the honor to submit herewith the report of the regents of the University of Texas for your consideration.

It was not too much to say that justice to a great State institution demands that some action be taken with a view to repay the funds of which it has been deprived by State agency for revenue purposes.

[Pre-Numbered Bulletin [37] is here printed in full. The Regents claim that the State owes the University \$431,188.85, because of money taken during the Civil War, plus interest. Also printed in full in Lane, pp. 93-108.]

### PROCEEDINGS IN THE LEGISLATURE

H. B. 4—By Mr. Hudgins.

To repay with interest the University fund for money taken by the State for other purposes.

Reported favorably. H. J., p. 267. Lane, p. 114, 115, 125.

H. B. 7—By Mr. Gresham.

To repay the University fund (\$9,786.62, \$12,230.39, \$1,520.40, \$14,495.73, \$40,000.00)\* and apply a portion of the repayment to buildings for the Medical Department.

H. J., p. 267.

Resulted through the Free Conference Committee in a loan of \$125,000 without interest to the University. Lane, p. 114, 115, 122-130, 262, 263.

H. B. 34—By Mr. Booth.

To repeal an act entitled an act to amend sections 9 and 10 of an act to provide for classification, sale and lease of lands (including university).

Reported adversely. H. J., p. 270.

H. B. 93—By Mr. McGaughey.

To loan without interest to the available university fund \$100,000 out of the indemnity fund.

H. J., p. 278.

S. B. 12—By Mr. Armistead.

To repay the University with interest divers amounts of money drawn therefrom for other purposes by the State. (Amount proposed \$217,678.86).

S. J., p. 159; H. J., p. 279.

[After much wrangling, \$125,000 was loaned to the University as a full repayment of debts that the Regents claimed amounted with interest to \$431,188.85. This \$125,000 was the first appropriation.]

[See Lane, pp. 109-114, and pp. 68, 69, 70, 117, 118, 119, 122, for legislative history of this bill.]

S. R. ———By Mr. Burges.

*Resolved*, That the Senate Committee on Education be and are hereby instructed to inquire into and report to the Senate the amount of indebtedness due from the State to the University of Texas.

Adopted. Index to Legislature, Twentieth to Twenty-fifth: Office of Secretary of State.

#### GENERAL LAWS

S. H. B. 4, 7, 93, and S. S. B. 12 Among Others. Ch. 20, p. 19;  
G. 9, p. 1017

An Act making additional appropriations for the support of the State government for the period of time beginning March 1, 1888, and ending February 28, 1889, and to pay certain obligations of the State incurred prior to March 1, 1887.

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\*[For a discussion from the San Antonio Express of the \$40,000 taken originally in 1863 from the University fund by Comptroller, see Lane, p. 130-132.]



As a loan to the available fund of the University of Texas, to be placed to the credit of said fund out of the indemnity fund now in the State treasury, and to be repaid to the State out of the revenues of the University on or before January 1, 1910, without interest . . . . . \$125,000.00

Of which the sum of \$50,000 is hereby appropriated and set apart to be used in the construction of buildings for the Medical Branch of the University of Texas, at the City of Galveston. *Provided*, That the said City of Galveston shall donate to the University of Texas, Block No. 668 in said city, to be used for the Medical Branch of said institution; *and provided, further*, That the executors of the estate of John Sealy, deceased, shall agree to construct on said block, at a cost of not less than \$50,000, a medical hospital, which, when completed, is to be donated to the Medical Branch of the University of Texas, and to be under the control of the Board of Regents of said University; *Provided, further*, that this loan shall be in full payment and satisfaction of all claims of the University of Texas against the State of Texas for moneys drawn from the University fund by said State.

Approved, May 17, 1888.

## TWENTY-FIRST LEGISLATURE, REGULAR SESSION, JANUARY 8, TO APRIL 6, 1889

### MESSAGE OF GOVERNOR L. S. ROSS

January 10, 1889; H. J., p. 23; S. J., p. 26

#### THE UNIVERSITY

I presume every friend of popular education desires to see this institution fostered and encouraged until its success is fully realized, and it becomes the pride of the State, to which every poor boy as well as the rich, can look for a finished education at home, with Texas ideas, associations and ways, and it is certainly desirable that the education here afforded should not be inferior to that which may be obtained abroad. While we feel a laudable ambition in the possession of a university of the highest grade, as was clearly contemplated by its founders, and the requirements of the organic law, yet in view of the fact that it is dependent in its operations upon such revenues as may be derived from its permanent funds, and looking at the matter from a purely business standpoint, it is my deliberate judgment that it is not only violative of sound business principles, but extremely hazardous to its permanent growth and standing, to continually enlarge its scope beyond

its available revenue upon hopes and expectations so apt to prove delusive and unsatisfactory. Its present insufficient revenue affords the Board of Regents, who are laboring so patriotically and unselfishly in its interests, much good reason to impeach the wisdom of the scheme for the establishment of the medical branch at Galveston, to be run on a starvation plan, while putting the University upon still shorter rations. This mode of applying its revenues certainly discredits good business judgment, and seems to be the profusion of the prodigal rather than the judicious generosity or justice which confers real and lasting benefits.

It is a matter of deep regret that its munificent landed endowment has been so poorly utilized and developed. The report of the honorable Commissioner of the Land Office sets forth clearly and definitely an exposition of the situation of these lands, showing the causes militating against their lease or utilization when brought into competition with the common school lands, so much more desirably and advantageously located, and both he and the Regents present for your consideration some practical remedies, which in their judgment are necessary to a more certain and satisfactory development of the University's resources. As the Board of Regents is composed entirely of gentlemen fully engrossed with the cares of their private business to such an extent that they could not be expected to devote their personal attention to the management and proper supervision of a large public landed interest, and would necessarily have to establish a kind of branch land office, to be run by such agents as could be obtained for the work. The proposition to turn over the lands belonging to this special interest has much connected with it which does not commend the suggestion to my judgment; and at the same time the history and the experience of similar interests in other States seem to show that it has proven wise and judicious in the States mentioned. The Legislature is the trustee charged with the duty of making all needful regulations for the disposition of these funds and the proper disposition and control of its lands, and to your superior judgment and discretion I will most cheerfully defer.

## SECOND INAUGURAL ADDRESS OF LIEUT. GOV. T. B. WHEELER

January 15, 1889; H. J., p. 91; S. J., p. 59

Let the State University and all of its branches, as soon as practicable, be put in such perfect condition that they cannot be excelled; so that Texas' sons and daughters will remain in Texas and receive classical education in our own institutions. (Applause.)

Being thus educated, our people, while not possessing that objectionable provincial prejudice, will have that commendable State pride which is necessary to make a great and distinguished people.

#### PROCEEDINGS IN THE LEGISLATURE

H. B. 21—By Mr. Tolar.

To validate the acts of the Land Board.

Became a law. H. J., p. 1140; S. J., p. 978.

H. B. 40—By Mr. Tolar.

To amend sections 5, 7, 8, 9, 10, 11 and 14 of an act to provide for the sale of lands heretofore or hereafter surveyed and set apart for the benefit of the free schools, university, etc. Approved April 1, 1887.

Became a law. H. J., p. 1142; S. J., p. 979.

H. B. 48—By Mr. Stevenson.

To provide for the disposition of minerals in the University, asylum, and public lands.

Substitute became law. H. J., p. 1143; S. J., p. 979.

H. B. 233—By Mr. Gresham.

To open the University to all who may wish to enter: to limit the matriculation fee to \$30, tuition in law to \$80, in Medical Department to \$250.

Unfavorable report; passed. Lost in Senate. H. J., p. 1166; S. J., p. 983.

H. B. 241—By Mr. Brown of Grayson.

To legalize donations to the University.

Became a law. H. J., p. 1167; S. J., p. 983.

H. B. 249—By Mr. McGaughey.

To set apart the remainder of the public domain as additional permanent endowment for the University.

Reported favorably. Died on calendar. H. J., p. 1168.

H. B. 255—By Mr. Brown of Grayson.

To place the University lands under the control of the Regents.

Reported adversely. H. J., p. 1169.

H. B. 305—By Mr. Stevenson of El Paso.

To quiet land titles in the towns of Socorro, Ysleta, and San Elizario.

Became a law. H. J., p. 1175; S. J., p. 984.

H. B. 338—By Mr. Mays.

To validate sales made by the Land Board.

Died on Speaker's table. H. J., p. 1179.

H. B. 360—By Mr. Gresham.

Appropriation bill.

Became a law. H. J., p. 1181; S. J., p. 985.

H. B. 441—By Mr. Tolar.

To refund to lessees of public, school, University, and asylum lands the amounts required by the Land Board in excess of four cents per acre in the absence of competition.

Reported adversely. H. J., p. 1191.

H. B. 474—By Mr. Lankford.

To extend for ten years the payment of purchase money for certain lands.

Became a law. H. J., p. 1195; S. J., p. 988.

H. B. 478—By Mr. Murrell.

To extend for ten years the payment for the University and other lands sold by the State.

Became a law. H. J., p. 1195; S. J., p. 988, in re H. B., 474.

H. B. 565—By Mr. Hayes.

To regulate disbursements of all appropriations strictly as itemized, unused amounts to return to general revenue.

Lost in Senate. H. J., p. 1204; S. J., p. 990.

H. J. R. 17—By Mr. Gresham.

To amend Art. 7, Sec. 11 of the Constitution relating to permanent University fund so as to allow investment also in county bonds.

Reported favorably. Died on calendar. H. J., p. 1242.

**January 11, 1889; H. J., p. 49**

Mr. Bryan offered the following resolution:

*Resolved*, That a committee of three be appointed by the Speaker to invite Dr. A. Macfarlane, professor of physics in the University of Texas, to inspect with the committee and Superintendent of Public Buildings, the Hall of Representatives, and receive from him the suggestions as to the improvement of the acoustic properties of the hall, so that the members may hear the Speaker, the Clerk, and each other in the proceedings of the House.

The resolution was read and adopted.

**January 22, 1889; H. J., pp. 150-152**

[Report of Dr. A. Macfarlane, professor of physics in University of Texas, to Hon. G. M. Bryan, chairman of the Committee on Acoustics, telling how to improve the acoustics of the halls.]

S. B. 7—By Mr. Burney.

To validate titles to certain public lands sold by the Land Board.

Did not reach third reading. S. J., p. 827.

S. B. 57—By Mr. Armistead.

To confirm the exchange of lands made by the Land Commissioner for the University and restore the rejected blocks to the public domain.



Failed to reach second reading. S. J., p. 833.

S. B. 89—By Mr. Stephens.

To sell the school lands and prevent their free use. Unfavorably reported. S. J., p. 837.

S. B. 93—By Mr. McDonald.

To place the University lands under the control of the Regents.

Not reported from Committee. S. J., p. 837.

S. B. 94—By Mr. McDonald.

To legalize the donation of property to the University and to secure the accomplishment of the objects of the donors.

Became a law. S. J., p. 837; H. J., p. 1224.

S. B. 123—By Mr. Jarvis.

Appropriation bill.

Not engrossed. S. J., p. 841; H. J., p. 1225.

S. B. 144 By Mr. Burney:

To provide for the exclusive management and control of the University lands by the Regents.

Not reported from Committee. S. J., p. 843.

S. B. 169—By Mr. Harrison.

To provide for the survey, classification and disposition of the lands embraced in chapter 19 of the General Laws of the Sixteenth Legislature, approved February 25, 1879.

Went to Governor. Vetoed. S. J., p. 846; H. J., p. 1227.

S. B. 194—By Mr. Stephens.

To authorize the State Treasurer to refund money improperly paid in for public lands, including University.

Not reported by Committee. S. J., p. 850.

S. B. 214—By Mr. Armistead.

To provide for the issuance of bonds of the State to supply deficiencies in the revenue and for the sale of said bonds to the permanent University fund.

Became a law. S. J., p. 853; H. J., p. 1230.

S. B. 342—By Mr. Burges.

To amend the law providing for the lease and sale of the public lands and the prevention of their free use.

Died in Committee. [Not listed in Index of Bills; S. J., p. 872.]

S. B. 352—By Mr. Burges.

To amend the law providing for the lease and sale of the public lands and prevention of free use.

Died in Committee. S. J., p. 873.

#### GENERAL LAWS

**S. H. B. 40; Ch. 56, pp. 50-53; G. 9, pp. 1078-1081**

An Act to amend Sections 5, 8, 11, 13, 14, 15, and 22, Chapter 99, of an act entitled An Act to provide for the sale of all lands

heretofore or hereafter surveyed and set apart for the benefit of the public free schools, the university, and the several asylums, and the lease of such lands and of the public lands of the state, and to prevent the free use, occupancy, unlawful enclosure, or unlawful appropriation of such lands, and to prescribe and provide adequate penalties therefor, approved April 1, 1887.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That sections 5, 8, 11, 13, 15, and 22, of an act to provide for the sale of the lands heretofore or hereafter surveyed and set apart for the benefit of the public free schools, the university, and the several asylums, and the lease of such lands and of the public lands of the state, and to prevent the free use, occupancy, unlawful enclosure, or unlawful appropriation of such lands, and to prescribe and provide adequate penalties therefor, be so amended as to hereafter read as follows:

SECTION 5. When any portion of said land has been classified to the satisfaction of the commissioner under the provisions of this act or former laws, such land shall be subject to sale, but to actual settlers only, and in quantities of not less than eighty acres and in multiples thereof, nor more than one section containing six hundred and forty acres, more or less: . . . .

SECTION 11. If upon the first day of August of any year the interest due on any obligation remains unpaid, the purchaser shall have until the first day of the following January in which to pay said interest, and for said default said purchaser shall pay fifty per cent penalty on said interest then past due; and if said purchaser shall fail to pay said past due interest and penalty on or before said first day of January, the commissioner of the general land office shall endorse on such obligation "land forfeited," and shall cause an entry to that effect to be made on the account kept with the purchaser, and thereupon said land shall be forfeited to the state without the necessity of re-entry or judicial ascertainment, . . . .

SECTION 14. The public lands, and all lands belonging to the public free schools, asylums, or university fund, shall be leased by the commissioner of the general land office in accordance with the provisions of this act. All of such lands lying north of the Texas and Pacific Railroad and east of the Pecos River shall be leased for a period not longer than six years, except as hereinafter provided; and all lands lying south of the Texas and Pacific Railroad and all lands west of the Pecos River, and all university lands, and all lying in the counties of Andrews, Gaines, Terry, and Yoakum, shall be leased for a period not longer than ten years, and the lessee shall pay an annual rental of four cents per acre for all lands leased: *Provided*, That the university lands may be leased

at three cents per acre per annum, which rental shall be paid each year in advance, the first payment to be made at the time the lease is executed, and if at the termination of the lease such land is still subject to lease, the lessee or lessees thereof whose term of lease is expired shall have the refusal of such lands as he has been leasing on the terms and at the price that may be fixed therefor by the commissioner of the general land office. . . .

SECTION 22. The commissioner of the general land office, under the direction of the governor, may withhold from lease any agricultural lands necessary for purposes of settlement, and no agricultural land[s] shall be leased if in the judgment of the commissioner they may be in immediate demand for settlement, but such lands shall be held for settlement, and sold to actual settlers only, under the provisions of this act, and all sections or fraction of sections, in all counties organized prior to the first day of January, 1875, except El Paso, Pecos, and Presidio counties, which sections are detached and isolated from other public lands, may be sold to any purchaser, except to a corporation, without actual settlement, at not less than two dollars per acre, upon such terms as the commissioner of the general land office may prescribe.

Approved April 8, 1889.

S. H. B. No. 360; Ch. 67; p. 74; G. 9, p. 1102

AN ACT making appropriations for the support of the state government for the years beginning March 1, 1889, and ending February 28, 1891, and for other purposes.

#### STATE UNIVERSITY

For the support and maintenance of the State University, all the available fund, to be under the control of the board of regents, less the appropriation herein made for the Agricultural and Mechanical College; for purchase of grounds in the city of Galveston for the location of the Medical Branch of the University of Texas, the sum of twenty-five thousand dollars, to be paid out of the general revenue, or so much thereof as may be necessary: *Provided*, The city of Galveston or its inhabitants shall donate the sum of twenty-five thousand dollars to be used in addition to the fifty thousand dollars heretofore appropriated by the state for the construction of buildings for said Medical Branch at the City of Galveston.

For the support of the university out of the general revenue: *Provided*, The university spend an equal amount out of the available university fund for completing and furnishing the building.....\$25,000.00  
 For the support and maintenance of the Agricultural and Mechanical College out of the general revenue..\$19,500.00  
 out of the University fund..... 500.00  
 Approved April 8, 1889.

S. B. No. 214; Chapter 71; p. 81; G. 9, p. 1109

An Act to provide for the issuance of bonds of this state to supply deficiencies in the revenue, and to provide the manner of the sale of such bonds to the board of education for the permanent university fund.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That the governor be and is hereby authorized and directed to have issued manuscript bonds of the State of Texas, to be sold, or exchanged at par, for the permanent university fund at any time when there is on hand in cash any reasonable amount of such funds not less than five thousand dollars.

SEC. 2. That said bonds shall be of such denomination as the governor may direct, and shall be redeemable at the pleasure of the state, and shall bear interest at the rate of five per centum per annum, payable annually at the state treasury on the first day of March of each year.

SEC. 3. That bonds issued under this act, the title of which and the date of its passage shall be recited therein, shall be signed by the governor and treasurer and countersigned by the comptroller, and shall be registered in the office of the state treasurer; and after said bonds have been registered the governor shall offer said bonds to the board of education as an investment for the permanent university fund then on hand in cash which are by law authorized to be invested; and if the board of education take such bonds, the treasurer and comptroller shall make the proper entry, showing the facts of the transaction and the necessary transfer of such fund on their books; and if the board of education shall not take said bonds thus offered, the same shall be destroyed and canceled and of no effect whatever.

Approved, April 2, 1889.

S. H. B. 474 and 478; Ch. 92, p. 105; G. 9, p. 1133

An Act extending for ten years the payment of the principal of the purchase money for lands purchased under the two acts of the legislature herein named.



Whereas, under an act of the legislature of this State providing for the sale of university lands, approved April 8, 1874, and an act of the legislature of this state providing for the sale of the common school lands, approved July 8, 1879, many of said lands were sold on a credit of ten years, the principal bearing ten per cent interest per annum; and

Whereas, Many of the obligations given for said lands are now due or about to become due, and said purchase money is bringing to the state a higher rate of interest than can be otherwise obtained for the same; and

Whereas, It is to the interest of the school and university funds, to which such lands belong, that the time for the payment of the principal of the purchase money be extended; therefore,

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That all purchasers of said lands under either of the above recited acts, or their assignees, shall have ten years from the date when their original obligations given for said land shall have fallen due within which to pay the principal of said obligations, and no forfeiture of said lands shall be declared on account of the non-payment of the principal of said obligations until the expiration of ten years from date of the maturity of the same as originally made; *Provided*, this act shall not apply to any purchaser or assignee who shall fail or refuse to pay within twelve months from date of approval of this act all accrued interest due the state on his original obligation or contract.

SEC. 2. Nothing in this act shall be construed to in any respect relieve said purchasers from the payment of interest on said land in the manner or on the terms prescribed in said original acts, nor to prevent a forfeiture of said lands for a failure to comply with the terms of said original obligations in the payment of interest.

Approved March 5, 1889.

**S. H. R. 21; Ch. 93, pp. 106-107; G. 9, pp. 1134-1135**

An Act to make valid and confirm certain contracts of sale made by the land board of the state of Texas with divers persons for the sale of certain of the free school, university, and asylum lands of the state of Texas, sold under the act of the legislature of the state of Texas, approved April 12th, 1883.

Whereas, The land board of the state of Texas, duly appointed for that purpose, did make contracts under the act of April 12, 1883, for the sale to certain divers persons of the free school, university and asylum lands of this state; and

Whereas, Many of such persons acting in good faith, believing that the said contracts were valid and binding and secured to them the right to acquire valid titles to said lands by a compliance there-

with, have paid to the State a part of the purchase price of the said lands and interest on the amount of the said contract price for several years; and

Whereas, It has been found that the said contracts were made by the said land board in many instances without a strict compliance with the requirements of the said law, whereby the said contracts are rendered invalid and said purchasers have failed to acquire any right under the said purchases and contracts so made; and

Whereas, It is inequitable and unjust that the said parties so acting in good faith, who have complied with their said contracts should be deprived of their equities, so attempted to be acquired and which the state in good faith intended to confer upon them, by reason of the failure of the said land board to comply with the technical requirements of said law, and thus lose the benefit of what they have paid on said contracts and be deprived of the said lands; Therefore,

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That all contracts made by the land board of the state of Texas for the sale of the free school, university, and asylum lands under the act of April 12, 1883, to any person who has in good faith made such purchase and in good faith has complied with the requirements of said act, the rules and regulations of the state land board, and the terms and conditions of his said contract, shall be and are hereby made valid and binding upon the state in the same manner as if the said land board had in all particulars complied with the requirements of the said law.

SEC. 2. This act shall not apply to any person or persons who have failed to make a bona fide settlement upon the said land in such case as by the terms of his contract or the requirements of said land board settlement was required, nor to any person or persons who entered into such contracts of purchase under the agreement or promise on their part that actual settlement should be made thereon, unless he or they have made such actual settlement in good faith as required.

SEC. 3. The title of all vendees or assignees who on the first day of January, 1889, were actual bona fide settlers, upon any land purchased from the aforesaid land board, holding said land under deed or regular chain of title from the original purchasers, and who are still residing upon said land—in cases where the original purchaser failed to comply with the law and the requirements of said land board, as to settlement and occupancy, but where the annual installments of interest have been paid—are hereby validated and confirmed; *Provided*, The provisions of this section shall not refer to nor include more than one section of agricultural or three sections of grazing lands.

SEC. 4. All patents heretofore issued for any lands sold by the state land board under act of April 12, 1883 are hereby validated.  
Approved March 12, 1889.

H. B. No. 241; Ch. 119, pp. 143-144; *G.* 9, p. 1171

An Act to legalize the donation of property to establish or assist in establishing professorships [or] scholarships in the University of Texas or any of its branches, and to provide for the protection and security of their benefits in accomplishing the object of their donor.

Whereas, The University of Texas is not a corporation capable of receiving a title to property donated, being an institution of learning under the control of the state government: Therefore,

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That any person, association of persons, or body corporate making a donation of property for the purpose of establishing or of assisting in the establishment of a professorship or scholarship in the university or any of its branches, either temporarily or permanently, may vest the legal title of the property in any person or persons, body corporate of the state of Texas, to be held in trust for said purpose under such directions, limitations, and provisions as may be declared in writing in the donation which are not inconsistent with the objects and proper management of said institution or its branches.

SEC. 2. It shall be unlawful for the person or persons or body corporate to declare and direct the manner in which said title to said property shall thereafter pass or be transmitted from the person or persons or body corporate receiving it to others in continued succession to be held and appropriated to the use aforesaid, and it shall be lawful for the donor or donors to declare and direct the persons or class of persons who shall receive the benefit of said donations, together with the manner in which the person or persons who shall receive said benefits shall be from time to time selected, as it may become necessary to carry out the object of the donation; *Provided*, Said declarations and directions are not inconsistent with the proper management of said institution or its branches.

SEC. 3. That in the event there is a failure to transmit the title to the property, or to bestow its use in the manner as declared and directed in the donation, or in the event they are either of them should become impracticable from the change of circumstances the title to the property, unless otherwise directed expressly by the donor, shall vest in the state of Texas to be held in trust to carry into effect the purposes of the donation as nearly as may be practicable by such agencies as may be provided therefor.

SEC. 4. That the title to said property donated shall be received, and the trust conferred in the donation shall be assumed, subject to laws that may be passed and carried into effect from time to time which may be necessary to prevent a loss of or damage to the property donated or an abuse or neglect of the trust so as to defeat, materially change, or prevent the objects of the donation.

SEC. 5. The copies of said donation shall be procured and filed with the board which may have control of the university or any of its branches to which the donation applies, which board shall report the condition and management of the property and the manner in which the trust is being administered as part of the matters reported pertaining to said institution....

Approved March 21. 1889.

[S. B. 94, Ch. 120, pp. 144-145; G. 9, p. 1172, is identical with H. B. 241, Ch. 119.]

## **TWENTY-SECOND LEGISLATURE, REGULAR SESSION, JANUARY 13, TO APRIL 13, 1891**

### **MESSAGE OF GOVERNOR L. S. ROSS**

**January 15, 1891; H. J. pp. 36-37; S. J. pp. 16-17**

#### **STATE UNIVERSITY**

The reports of the various departments of the University, which have been furnished from the proper sources, show the condition and management of its affairs. It has been the earnest effort of the board of regents to place it in the first rank of the educational institutions of the country, and to so strengthen and maintain it with the means at their disposal, that the youth of Texas, male and female, might enjoy the advantages of education equal to those of any other state. Its excellent corps of professors are men of the highest attainments, who have distinguished themselves in their particular lines of study, and the influence of the university is being felt for good in our state by the character and proficiency of the young men annually leaving its halls. The attendance has increased and the structures for which the legislature made provision have been completed in a substantial manner, and Major Brackenridge, a worthy citizen of San Antonio, recently added to its endowment by the erection of an elegant club house, costing \$18,000, and I desire in this public way to give expression of my high appreciation of the generous act. To insure the success of this University it must have an adequate permanent endowment fund, that will give a certainty and uniformity of income upon which its regents can always rely and relieve the legislature of the contests which usually attend the passage of laws making appropriations.



The recommendations made for the increase of funds from every source should have that careful consideration which their importance deserve. Reports of the regents and chairman of the faculty, and the commissioner of the land office, will advise you as to its needs in the way of appropriations and the disposition made of its land interests. On the 20th day of March, 1881, an act was passed by the legislature authorizing the employment of counsel and the institution of suits against persons claiming certain portions of the University lands in McLennan and Hill Counties, for the recovery of such lands. These lands so claimed adversely to the state amounted to about 14,000 acres, and were claimed by the assignees of Joachin Marena under an alleged grant of eleven leagues made to him by the government of Coahuila and Texas, anterior to the independence of Texas, but not recorded in McLennan county until about the year 1871. In accordance with authority conferred by this statute, one of my predecessors, Governor Roberts, employed the law firm of Clark & Dwyer of Waco, as attorneys for the State, who brought actions in the district court of McLennan county against certain occupants of the disputed lands, and among them a certain action entitled: "The State of Texas vs. Jenny Lewis." After I had entered upon the duties of my present office, I requested of said attorneys information as to the status of said litigation. They reported that "After institution of said actions, Martinez Del Rio and his brother, natives of Mexico, but claiming to be subjects of Great Britain, had entered their appearance in said suits as landlords of defendants, and had filed petition and bond for removal to the United States circuit court at Waco; that the district judge, after argument, had refused to enter an order approving the bond or removing the case, and that thereupon the real defendants, the Messrs. Rios, through their attorneys, had filed a transcript of the proceedings in the circuit court of the United States at Waco, and that court, after three attempts on the part of the state to remand the cause to the state court, had refused to remand and retained jurisdiction." Said attorneys further reported that, "in their opinion the United States court had no jurisdiction of the case by law, but before the erroneous rulings of the circuit and district judges could be corrected, the cause would have to be tried finally, and a writ of error prosecuted by the State to the Supreme Court of the United States, which would involve several years, as the case was not one under the rules of the Supreme Court, likely to be advanced for early hearing on motion." Upon the merits of the case said attorney further reported that, "Upon the law and the evidence taken and on file, they were of the opinion that the defendants had the superior title under our own decisions, and that their title would probably finally prevail even upon a trial in the state court." In the latter part of 1888 said attorneys further reported that, "said

suit could be compromised by a division of the lands in dispute, if such compromise was desirable." As the matter involved the property and revenues of the University, the proposition was submitted informally by me to the regents and with their advice and consent the matter was compromised, vesting the title by appropriate decree in the state to 6,750 acres of this land. I confidently commit this great institution to your fostering care and protection and invoke for it generous aid.

**MESSAGE OF GOVERNOR J. S. HOGG**

**January 21, 1891; H. J. p. 110; S. J. p. 62**

**THE UNIVERSITY**

The University is within, a part of, and belongs to the public free school system of this State—a fact that can be admitted with pride. The constitution requires the Legislature to provide for the maintenance, support, and direction of this institution so that it shall be first class for the promotion of literature, the arts, and sciences. Thus imbedded in the organic law, its importance cannot be denied. The people have recently expressed their will that it and its branches and all other public educational institutions of the State shall be properly endowed and maintained. As a branch of the university, the agricultural and mechanical college forms a part, which, by the law of its creation and the constitution, was instituted for instruction in agriculture, the mechanical arts and the sciences connected therewith. Both of these institutions are now important charges upon the public for proper care and support.

The common free schools are intended for the education of the masses in the English language, so that they may be capable of self-government and the preservation of their rights and liberties. To the ambitious of both sexes who aspire and wish to become educated in general literature and the arts and sciences connected with the professional as well as agricultural and mechanical pursuits, the University and its branches ought to afford, in a great State like this, all opportunities and facilities they may desire. They are but the creatures of the pride of a great and generous people and deserve to be maintained to the full standard fixed by the Constitution. The endowments of neither are sufficient to do this, but the people demand that it shall be done. In the wisdom of the Legislature the way is possible, and it is hoped your honorable bodies will be equal to the emergency and fully discharge the obligations so imposed.

## PROCEEDINGS IN THE LEGISLATURE

H. B. 121. By Mr. Martin of Somervell.

To license to practice law a holder of a diploma from the Law Department.

Became a law. H. J. p. 1008; S. J. p. 802.

H. B. 236—By Mr. Browning.

To validate certain sales of public school, University and asylum lands.

Became a law. H. J. p. 1022; S. J. p. 805.

H. B. 259—By Mr. McKinney.

To set aside the public domain for the public schools and the University.

Substituted and lost. H. J. p. 1025.

H. B. 389—By Mr. Browning.

To protect the actual settler upon public school, University and asylum lands.

Adverse report. H. J. p. 1041.

H. B. 400—By Mr. Gresham.

Appropriation bill.

Became a law. H. J. p. 1042; S. J. p. 808.

H. B. 416—By Mr. Baker of Tom Green.

To validate deeds made by the town of San Elizario while acting under the general incorporation law.

Became a law. S. J. p. 809; H. J. p. 1044.

H. B. 417—By Mr. Baker of Tom Green.

To validate deeds made by the town of Socorro while acting under the general incorporation law.

Became a law. S. J. p. 809; H. J. p. 1044.

H. B. 422—By Mr. Browning.

To establish and maintain an industrial high school of a grade intermediate between the common schools and University of Texas; to provide for its location, etc.

Adverse report. H. J. p. 1045.

H. B. 481—By Mr. Baker.

To amend sections 11, 14 and 15 of an act to amend sections 5, 8, 11, 13, 14, 15 and 22, chapter 99, of an act to provide for the sale of all lands heretofore or hereafter surveyed and set apart for the benefit of the public free schools, University, and the several asylums.

Substituted and became a law. H. J. p. 1053; S. J. p. 811.

H. B. 597—By Mr. Patton.

To appropriate one-fifth of the University lands and funds for the erection of a Branch University for colored youths.

No report. H. J. p. 1067.

H. B. 606—By Mr. Perry.

To amend the law establishing the University of Texas so as to permit the Board of Regents to charge an annual fee of \$70 in the Law and Medical Department only.

Favorable report; never considered. H. J. p. 1068.

February 24, 1891; H. J. p. 389

Mr. Terrell offered the following resolution:

*Resolved*, That the act of the Hon. Geo. W. Brackenridge in building and furnishing Brackenridge Hall at his own expense, and in making a present of the same to the University of Texas in order to cheapen for young men the cost of obtaining higher education, is alike creditable to his head and heart. The House of representatives of Texas thank him for his gift in the name of the people, and direct that a copy of this resolution be sent him by the clerk of the House.

Read second time and unanimously adopted.

March 24, 1891; H. J. p. 708

*Mr. R. T. Milner, Speaker of the House:*

Dear Sir: Permit me through you to return to the members of the House of Representatives of the Twenty-second Legislature of Texas my appreciative acknowledgment for the resolution unanimously passed by that body and transmitted to me by its honorable chief clerk, recognizing in terms highly complimentary to myself, as an act deserving public commendation, the donation recently made by me to the university of Texas, of a hall intended to aid poor and worthy young men of Texas in obtaining a higher education than has been heretofore afforded them.

The cost of board and-room rent while at the University have been serious and insurmountable objections to many students attending and wishing to attend the University.

It is my earnest desire to see the highest standard of education attainable at our Texas University, and to be within the reach of all deserving youths of our State; where the penniless boy, the sons of those in moderate circumstances, as well as young men of wealth, may attain a thorough and high order of education.

In the donation referred to it was not words of praise your humble donor sought, but to afford the young men of Texas substantial aid in obtaining an education to fit them morally and mentally for any honorable calling or station in life.

Feeling now, as I have for many years, a deep interest in the growth of the University of Texas, hoping to see it equal, if not superior, to the very first educational institutions of the world, I would commend it to the watchful care and favorable consideration



of the present and future Legislatures, and of the whole people of the State.

If I have been so fortunate in my humble efforts as to have contributed something substantial and practicable in the promotion of the cause of education in Texas, I shall feel amply rewarded for the discharge of a pleasant duty.

GEO. W. BRACKENRIDGE.

S. B. 282—By Mr. Carter.

To provide for an additional permanent fund for the University and its branches by the issuance of interest bearing bonds, and to provide for the refunding to the State the principal and interest of said bonds by sale or lease of the bonds that belong to said fund.

Favorably reported. S. J., p. 779.

S. B. 291—By Mr. Glasscock.

To establish and maintain an industrial high school, of grade intermediate between the common schools and the University and A. and M.

Favorably reported. S. J., p. 780.

S. B. 366—By Mr. Potter.

To provide for the erection of a laboratory and other buildings at the University, for a new executive mansion, for the necessary improvements at the A. and M. out of the money coming from the U. S. bounty on sugar.

Favorably reported. S. J., p. 793.

#### GENERAL LAWS

H. B. 124; Ch. 22, p. 23; G. 10, p. 25

An Act to be entitled an act to amend title Ten, chapter 2 of the Revised Civil Statutes by adding thereto article 222a.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:*

Article 222a. Any person holding a diploma from the law department of the "University of Texas," and who desires to practice as an attorney and counsellor at law in the courts of this State, may present such diploma to the District or Supreme Court in term time, together with a certificate of the commissioners court of the county in which he resides, that he is a man of good moral character and honorable deportment, and such court shall thereupon order the clerk to issue a license to such applicant, which license shall be signed by the presiding Judge of such court and tested by the seal of the court, which, if granted by the District Court, shall authorize such applicant to practice in the District and Inferior courts of the State, and if by the Supreme court, then in all the courts of the State.

Approval March 10, 1891.

S. H. B. 400; Ch. 85, p. 123; G. 10, p. 125

An Act making appropriations for the support of the State Government for the years beginning March 1, 1891, and ending February 28, 1893, to cover deficiencies and for other purposes.

# UNIVERSITY OF TEXAS

For the support and maintenance of the University of Texas, all of the available fund, to be under the control of the board of regents, less the appropriation herein paid for the Agricultural and Mechanical college; also all yearly fees collected from students, said fees to be fixed by the regents and to be not more than \$50.00 per year, from each student in the law department and not more than \$10.00 per year from each student in the academic department.

To supplement the available fund in the support and maintenance of the University from the general revenue fund.....	\$ 5,000.00	\$ 5,000.00
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To build a chemical laboratory, to be paid from the indemnity fund received from the United States, to be expended within the two years. ....	25,000.00	
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For a heating apparatus for the buildings from said indemnity fund, to be expended within the two years. ....	10,000.00	
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To complete the central part of the main building, to be paid from the said indemnity fund, to be expended within the two years. ....	5,000.00	
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For the library to be paid from the general revenue fund. ....	5,000.00	5,000.00
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To equip the medical branch of the University, to be expended within the two years. . . . .	30,000.00	
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For the support and maintenance of the medical branch. ....	22,000.00	22,000.00
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The board of regents of the University may charge each medical student a tuition fee of not to exceed \$100 for each scholastic year, the proceeds from which shall also be applied to

the maintenance and support of said  
medical branch. . . . .

For the Agricultural and Mechanical College to be paid out of the available University fund. . . . .	500.00	500.00
Approved April 16, 1891.		

H. B. 236; Ch. 87, p. 130; G. 10, p. 132

An Act to make valid and confirm contracts of sale made by the Land Board of the State of Texas, with divers persons for the sale of the free school, university and asylum lands, of the State of Texas, sold under the act of the legislature of the State of Texas, approved April 12th, 1883.

Whereas, the land board of the State of Texas, duly appointed for that purpose did make contracts under the act of April 12, 1883, for the sale to divers persons of the free school, university and asylum lands of this State; and

Whereas, many of such persons acting in good faith believing that the said contracts were valid and binding and secured to them the right to acquire valid titles to said lands by a compliance with said act, have paid to the State a part of the purchase price of the said lands and the interest on the amount of said contract price for several years; and

Whereas, it has been found that said contracts have been made by said land board, in many instances, without a strict compliance with the requirements of the said law, whereby the said contracts are rendered invalid and said purchasers have failed to acquire any right under the purchases and contracts so made; and,

Whereas, it is inequitable and unjust that the said parties so acting in good faith, and who have complied with the requirements of said act, should be deprived of their equities, so intended to be acquired, and which the State in good faith intended to confer upon them by reason of the failure of said land board to comply with said law, and thus lose the benefit of what they have paid on said contracts, and be deprived of said lands; therefore,

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That the failure of the land board to comply with the requirements of the act of April 12th, 1883, in placing the free school, university and asylum lands of the State upon the market or in selling the same shall not have the effect to render invalid the right, title or claim of any purchaser of such lands under any contract, made with said land board, and in any case in which such purchaser bought but one section of land or who bought not exceeding three sections where the rules and regulations of the

land board permitted the purchase of three sections and actually settled upon the same in good faith for the purpose of becoming a bona fide settler thereon and has complied with the requirements of the said act of April 12th, 1883, the rules and regulations of the land board and the terms of the contract made with such land board, or where such purchaser has complied with the law in such particulars as the rules and regulations of the land board conflicted with said act. But this act shall not affect the right, title or claim of any person, who has by subsequent purchase from the State or by contract with any officer authorized to make the same, acquired any right in said land prior to the passage of this act.

Became a law without the governor's signature.

**S. H. B. 481; Ch. 114, p. 180; G. 10, p. 182**

An Act to amend sections 11, 13, and 15, of an act to amend sections 5, 8, 11, 13, 14, 15, and 22, chapter 99, of an act entitled, "an act to provide for the sale of all lands heretofore or hereafter surveyed and set apart for the benefit of the public free schools, the University, and the several asylums, and the lease of such lands and of the public lands of the State, and to prevent the free use, occupancy, unlawful enclosure or unlawful appropriation of such lands, and to prescribe and provide adequate penalties therefor," approved April 1, 1887, approved April 8, 1889.

SECTION 11. If upon the first day of November of any year the interest due on any obligation remains unpaid, the purchaser shall have until the first day of April following in which to pay said interest, and for said default said purchaser shall pay twenty per cent penalty on said interest then past due. . . .

SECTION 14. The public lands and all lands belonging to the public free schools, asylums or university fund shall be leased by the Commissioner of the General Land Office, under the provisions of this act. All of such lands lying west of the Pecos river, and all such lands lying south of the Texas and Pacific Railroad, except the counties of Concho, McCulloch, Coke, Sterling, Glasscock, Midland, Ector, Tom Green, Howard and Martin, and all university lands shall be leased for a period of not longer than ten years, and all other such lands lying north of the Colorado river, and north of the Texas and Pacific, and the counties hereinbefore excepted from the ten-year lease, shall be leased for a period not longer than five years, and the lessee shall pay an annual rental of four cents per acre for all lands leased; provided, that the university lands



may be leased at three cents per acre per annum, which rental shall be paid each year in advance, the first payment to be made at the time the lease is executed, and if at the termination of any lease any of such lands are not in demand for actual settlement they may be again leased for another five years, and the lessees thereof, whose term of lease has expired, shall have the refusal of such land as he has been leasing on the terms and at the price that may be fixed therefor by the Commissioner of the General Land Office. . . .

SECTION 15. Any person desiring to lease any portion of public lands belonging to any of the funds mentioned in this act, the sale and lease of which is not provided for by any other law, shall make application in writing to the Commissioner of the General Land Office, specifying and describing the particular lands he desires to lease; thereupon, the Commissioner, if satisfied the lands are not in demand for purposes of actual settlement and that such lands can be leased without detriment to the public interest, shall notify the applicant in writing that his proposition to lease is accepted, and thereupon he shall execute and deliver to the lessee in the name of the State a lease of said land for such terms as may be agreed upon, not longer than the period of time fixed by this act, according to its location, and deliver the same to such lessee when satisfied that the lessee has paid to the Treasurer of the State the rental for one year in advance. . . .

Approved April 28, 1891.

### SPECIAL LAWS

#### H. B. 416; Ch. 4, p. 5; G. 10, p. 233

An Act to validate deeds made by the town of San Elizario while acting under the general incorporations laws.

Whereas, the State of Texas granted by patent to inhabitants of the town of San Elizario in El Paso County, a body of land, and the inhabitants of said town, for many years, ignored the special charter and organized in pursuance of the general incorporation laws, a municipal corporation, and subdivided the lands aforesaid into small parcels, and the corporation conveyed the same by deed, and said lands are now, in good faith held and owned by hundreds of persons most of whom have cultivated or improved the same; now therefore:

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That all deeds to any part of the lands patented to inhabitants of the town of San Elizario, executed under authority of said town while acting under the general incorporation laws of the

State, are hereby declared valid to all intents and purposes as if the same had been executed under and in conformity with the special charter of said town.

SEC. 2. The cloud cast upon the title of the lands named in preamble and first section of this act, the necessity for speedy relief and the crowded condition of business before the Legislature, create an imperative public necessity for the suspension of the constitutional rule requiring bills to be read on three several days and such rule is hereby suspended, and the clouds cast upon titles, the retarding of development and utilization of the lands create an emergency that this act take effect from its passage, and it is so enacted. Provided, that nothing in this act shall be construed as in any way acknowledging, acquiring or validating the claims of any person as against the claim of the University of Texas, or the claim of the State of Texas to any portion of the land covered or claimed to be covered by the San Elizario grant; provided further that no suit now pending or hereafter brought by or in behalf of the University of Texas shall be affected by anything in this act contained.

Became a law without the approval of the Governor.

**H. B. 417; Ch. 5, pp. 6-7; G. 10, pp. 234-235**

An Act to validate deeds made by the town of Socorro while acting under the general incorporation laws.

[Text of law exactly the same as above, with Socorro in place of San Elizario.]

## **TWENTY-THIRD LEGISLATURE, REGULAR SESSION, JANUARY 10 TO MAY 9, 1893**

### **MESSAGES OF GOVERNOR J. S. HOGG**

**January 12, 1893; H. J., p. 26; S. J., p. 22**

#### **PUBLIC EDUCATION**

. . . . The people have also, through their convention, declared that the University and its branches and the other public educational institutions must be appropriately endowed and maintained.

For full information on the subject of public education, the attention of your honorable bodies is respectfully called to the able, elaborate and interesting reports of the Superintendent of Public Instruction, of the Boards of Managers of the Sam Houston Normal Institute, located at Huntsville; of the Prairie View Normal Institute, at Hempstead; of the Agricultural and Mechanical

College, at Bryan; of the Regents of the University, at Austin, and of the Medical Branch thereof at Galveston. Each of these several reports deserves investigation, for they have been made by men well versed in these public institutions, familiar with their necessities. With just pride the State has supported each of these public schools, and as a result the people are daily receiving from them benefits far beyond computation that must grow in importance year by year as the State itself moves on to leadership among her sisters. Most of these institutions are in a healthful, prosperous condition, yet are demanding of necessity increased appropriations to meet the exigencies of the times. As the State grows the public schools and higher educational institutions expand to keep apace with her greatness. Their encouragement in all respects must spring from the honor and pride of the people, whose liberality towards them in the past vouchsafes for them success in the future.

**February 21, 1893; H. J., p. 412; S. J., pp. 218-219**

According to the report of the Commissioner of the General Land Office, there yet remain, subject to disposition by the Legislature, 4,393,835 acres of unappropriated public domain. All unsatisfied certificates, if any there be, have been barred by constitutional and statutory limitations, so that no private rights may be affected by its appropriation. To permit this domain to remain longer undisposed of is but to leave a constant temptation to the lobby to gather around the Capitol each biennial session for the purpose of securing portions of it for every enterprise consistent with their ingenuity and greed, in no way beneficial to the public. Thus, it promises in time to be frittered away. The recent effort to have this land appropriated equally between the university and common schools would seem to have the public good alone in view, and must be received with favorable consideration by everyone familiar with the purposes of the fathers who gained the independence of Texas and so long fostered her interests with statesmanlike wisdom and patriotic jealousy.

. . . . .  
Indeed, it is not extravagant to say that these patriotic fathers mingle their hopes and liberties with the cause of education, and made it one of the cornerstones of the government for which they were about to offer up their lives.

In framing their first Constitution in 1836 they made it the duty of Congress, as soon as circumstances would permit, to provide by law a general system of education. When the Republic was changed to a State, and thus became a member of the Federal Union, the

people, through their Constitution of 1845, declared a general diffusion of knowledge to be essential to the preservation of the rights and liberties of the people, and made it the solemn duty of the Legislature to make suitable provision for the support and maintenance of the public schools. From time to time public domain was allotted to the several counties, and also to the University, for public educational purposes; and the Constitution of 1876 bound together by inseparable bands the University and common schools under a system of education plainly defined. The University is simply the capstone of our public free schools, and as such should be considered and jealously guarded.

The wisdom, harmony and efficiency of the plan and the structure can never be questioned. To preserve the rights and liberties of the people is the purpose; education, not brute force, the chosen method by which the coveted object shall be attained. Hereafter the great battles to maintain the liberties of the people must be fought in the forum of reason. To successfully engage in the contests, the masses must have educated leaders in sympathy with their cause. No bond is stronger than gratitude. When the statesmen owe their education and places of trust to the people, the union between them will become compact and inseparable. As Texas has begun the work of higher education, in connection with her common schools, at public expense, she must, in justice to the sacred cause and to her State pride, go on to consummate success.

The common free schools are well endowed, but in the nature of things must for all time largely depend on taxation, State and local, for efficient maintenance; while the University has a fair endowment, and can and should be made independent of taxation, and thus become the equal of any institution of the United States, by granting to it a reasonable division of the remaining unappropriated public domain.

#### PROCEEDINGS IN THE LEGISLATURE

H. B. 69—By Mr. James.

To regulate the fees of University students, making a \$10 matriculation and \$10 laboratory fee in Academ. Department; a \$20 matriculation and a \$5 Library fee for Law Department and a \$50 fee for Medical Department.

Adversely reported. H. J. 1282.

H. B. 116—By Mr. Henderson of Lamar.

General Appropriation Bill.

A motion to appropriate \$2500 for a School of Pharmacy was defeated.

Became a law. H. J., p. 1284; S. J., p. 758.



H. B. 121—By Mr. Rogers of McLennan.

To release teachers in the public free schools from unnecessary and vexatious examinations.

H. B. 30 substituted. H. J., p. 1284.

H. B. 169—By Mr. Curry.

To appropriate all of the remaining public land for the benefit of the Common schools and the University and its branches.

Substitute giving all (4,400,000 acres) to the common schools—reported favorably. Died on Calendar. H. J., p. 1285.

H. B. 211—By Mr. Lloyd.

To appropriate 75 per cent of the remaining public lands to the common schools, 25 per cent to the University and its branches.

Substituted. See H. B. 169. H. J., p. 1286.

H. B. 291—By Mr. Erskine.

To appropriate all the remaining public land, half to the common schools, half to the University after setting aside 15,000 acres for a new governor's mansion.

Substituted. See H. B. 169; H. J., p. 1287.

H. B. 309—By Mr. Wilson.

To appropriate equally the remaining public lands between the common schools and the University.

Substituted. See H. B. 169; H. J., p. 1288.

H. B. 385—By Mr. Graves.

To set aside the quarantine officer's residence at Fort Point for a University marine station and to appropriate \$5000 for equipment.

Favorably reported. Died on Calendar. H. J., p. 1290.

H. B. 391—By Mr. Finlay.

To require the Regents to add qualified homoeopaths to the Medical Faculty.

Adversely reported. H. J., p. 1290.

H. B. 435—By Mr. Dashiell.

To incorporate the Texas Academy of Science.

Died on Calendar. H. J., p. 1291.

H. B. 469—By Mr. Haller.

To establish a Branch University for the colored youth.

Substitute reported. Died on Calendar. H. J., p. 1292.

H. B. 494—By Mr. Aldridge.

To authorize lumber manufacturers to construct roads across public school, University and asylum lands.

Adversely reported. H. J. p. 1292.

H. B. 614—By Mr. Wester.

To have eight appointive Regents of two year terms and the

Governor (chairman), Chief Justice, State Superintendent and President of the University ex officio, and to create a Board of three visitors.

Died in Committee. H. J., p. 1295.

H. B. 626—By Mr. Wester.

To place the A. & M. in the control of the Regents of the University.

Adversely reported. H. J., p. 1295.

H. B. 670—By Mr. Ragsdale.

To make certificates and diplomas of the School of Pedagogy to have the force of teacher's certificates.

Favorably reported. Died on Calendar. H. J., p. 1296.

H. J. R. 34—By Mr. Mills.

To amend the Constitution so as to permit the investment of the permanent University fund in other than U. S. and Texas bonds.

Died in Senate. H. J., p. 1249.

H. J. R. 37—By Mr. Lloyd.

To amend Article 7 of the Constitution by adding Section 16, transferring the permanent school, University and asylum funds to the general fund of the State.

Favorably reported. Died on calendar. H. J., p. 1249.

S. B. 160—By Mr. Goss.

To authorize the return to the State of public lands owned in excess of 160 acres.

Died on calendar. S. J., p. 779.

S. B. 162—By Mr. McComb.

To set apart to the permanent school and University fund the unappropriated public domain and to dispose of the same.

Not acted on. S. J., p. 787.

S. B. 186—By Mr. Dean.

To amend section 10, chapter 100, of an act entitled "An Act to promote the development of the mining resources of Texas," approved March 29, 1889.

Became a law. S. J. p. 776; H. J. p. 1301.

S. B. 191—By Mr. Jester.

To retire \$484,500 matured 6 and 7 per cent bonds and issue 4 per cent forty year bonds in lieu thereof.

Became a law as S. S. B. 191. S. J., p. 784; H. J., p. 1301.

S. B. 216—By Mr. Goss.

To authorize the Land Commissioner to issue patents on free school, University, and asylum lands in quantities of 1 to 5 acres for sites of school houses, churches, and cemeteries.

Not acted on. S. J., p. 780.

S. B. 245—By Mr. Goss.

To benefit persons who have bought public lands (including University), and resided thereon three years, and whose files have been canceled because of conflict.

Not acted on. S. J. p. 780.

S. B. 277—By Mr. Tips.

To give the diplomas of the School of Pedagogy the force of teacher's certificates.

Not reported on. S. J., p. 794.

S. C. R. 19—By Mr. Boren.

To provide for the appointment of a board of visitors of the University and its branches.

Referred to Committee. S. J., p. 583.

[During this session, over 20 petitions were presented, each signed by a group of citizens and asking for the establishment of the Colored Branch of the University; over 20 petitions asked for a Department of Pharmacy; 10 asked for an equal division of the unappropriated public domain between the common schools and the University.]

March 4, 1893; H. J. pp. 526-531; S. J. pp. 282-288.

#### REPORT OF JOINT COMMITTEE ON STATE INSTITUTIONS OF LEARNING

We find the medical college at Galveston in a most excellent condition. The Twenty-second Legislature appropriated \$25,000 for the purchase of suitable grounds on which to erect the college and \$50,000 for buildings; to this the generous citizens of Galveston added \$25,000 to aid the erection of the buildings. With this comparatively modest sum the board of regents have purchased a beautiful site adjoining the John Sealy hospital, situated immediately on the border of the bay, and have erected and equipped a magnificent building, which will compare most favorably with the buildings of the older and wealthier colleges of the east. Besides the gifts mentioned above, the city of Galveston has also donated a block of ground, including the old city hospital, valued at \$45,000; also the beautiful and commodious John Sealy hospital, valued at \$75,000. Your committee feel that they can not commend too highly the board of regents for their management of the matter of acquiring these grounds and erecting and equipping the college. Dr. T. C. Thompson, resident member of the board, especially deserves credit for the close supervision he has given the work. Being a skillful physician and a practical druggist, he has saved a great deal of money to the State, and proven himself of great advantage to the college by his judicious purchases of the equipments and supplies.

[Five paragraphs follow on the general condition at Galveston.]

[Four paragraphs are found on the general conditions at University of Texas.]

Unfriendly criticism in circulation concerning the University have received attention from your committee, but it has not been able to discover any one willing to substantiate those criticisms before the committee. Some of the professors, it seems, are from Northern States, one of them is perhaps a Republican in politics, and one of them is a pensioner of the United States for service rendered and wounds received in the Federal army during the great Civil War, but this was explained by one of the regents who stated that these men came here well recommended and endorsed as scholars and gentlemen, and that it was upon their credentials as scholars and gentlemen that they were selected, without regard to where they came from or what political faith they held. As to the competency and efficiency of the professors and their qualifications for the places they fill, your committee have no means of judging, and after all, it is a duty belonging to the regents, and one they should scrupulously perform, to see that no one is placed in a chair of the University of Texas, except upon the ground of high merit for the place.—Pure men, great scholars and teachers, public spirited and patriotic men, and none others, should be placed in charge of this great institution of learning—men whose special aim it will be to expand and develop it in such a manner as will indeed make it a “University of the first class,” the pride of every Texan, and worthy in every respect of the great State that gave it existence, and with the honor and good name of which it is intimately connected.

It occurs to your committee to suggest the propriety of placing the University of Texas and all of its branches under the management of one board of regents or directors instead of having a separate management for each one, as is now the case. One comprehensive plan of management for all of these noble institutions will bring them into harmonious and concerted action and cement them in a unity of purpose and interest that can not exist under their present system of government.

A board of management constituted and appointed as is the present board of University regents, with the Governor of the State, chief justice of the supreme court and superintendent of public instruction to be ex-officio members, the Governor or Chief Justice to be president of the Board would add dignity, strength and unity to the management of these institutions that would be highly beneficial. The control of these institutions belongs to the State; it is responsible for their management, and this plan of management would bring them into close relations, and bind their interests inseparably together.



J. W. Truit, J. I. Moody, R. Lee Ragsdale, on part of the House;  
E. L. Agnew, W. M. Imboden, on part of Senate.

**March 11, 1893. Senate Legislative Record, pp. 376-380.**

By consent the following memorial was offered by Senator Crowley:

Gentlemen: Your attention is respectfully invited to the following statements concerning the University of Texas:

Our State University has fallen into incompetent hands and can be rescued and reformed, I believe, only by the exercise of the sovereign power of the State. . . . This is not the fault of the board. . . . The medical department is thus far a first-class institution. . . . The comparative failure of the academic department is due to radical defects of organization and not, I think, to the want of money. . . . The standing of . . . the academic department is far below the standing of first-class universities. . . . The standard of admission is from one and one-half to two years below the usual standard. Such being the case, the standard for distinction, proficiency and graduation is necessarily below that of the best colleges. The average teaching ability of the faculty at Austin is below that of first class colleges, although there are some excellent scholars and teachers in this faculty. . . . Some of the instruction is far behind the times, and some of the teaching would hardly escape criticism in a high school. . . . I invite a comparison of the requirements for admission, as prescribed in the catalogue of the University of Texas, with requirements of admission in . . . Johns Hopkins University at Baltimore. . . .

A comparison of these requirements . . . demonstrates that fully two and one-half to three years earnest study under competent instructors, would be necessary to enable a freshman of the University of Texas to enter the collegiate department of Johns Hopkins. . . .

The original plan of the regents as outlined by Dr. Ashbel Smith was a sound one. . . . But there was this fatal difference between Mr. Jefferson's plan and Dr. Smith's. Mr. Jefferson's choice decided the election of the professors [at the University of Virginia] while Col. Smith's influence in this respect was practically nil, . . . the secretary of the board, Mr. A. P. Wooldridge, having brought about according to his statement to me, the election of the majority of those chosen. . . . Dr. Smith concluded after this meeting of the board, indeed, he had thought so before, that legislative provision for a chancellor or president was needed. . . . The failure of the board of regents to meet this need is evidence of gross incompetency. The result has been that the real management of the University—no board of this kind being capable of close direction . . . —has fallen into the hands of a few men at

Austin. . . . . I refer to Messrs. Leslie Waggener, A. P. Wooldridge, and Dr. Thomas D. Wooten. . . . .

The question which the friends of the University ask is this: Do the members of this cabal possess the qualities of mind and character which are needed for the wise management of the University? . . . . . Take Dr. Wooten. He is a busy physician without any college training. He is an estimable gentleman, but his ignorance of university life and administration has made him but little more than an instrument in the hands of his colleagues. . . . .

Mr. Wooldridge, a successful banker, . . . . . does not belong, unless I wholly misjudge him, to the broad grand type of business man who interest themselves in higher education for the advancement of humanity. . . . .

Chairman Waggener is not a broad great man. . . . . His culture and his opportunities have not fitted him for such a place as he holds. . . . .

The board of regents has shown itself visionary in many respects, but especially in adhering to a plan which has enabled this combination above mentioned to dominate its policy. . . . .

Let the standard be raised. . . . .

The all important matter is to get a strong, broad, wise man, an expert in university management, and put him at the head. . . . .

Very respectfully,

OSCAR H. COOPER.

March 13. S. J., p. 350

Senator Imboden moved that the memorial of Dr. Oscar H. Cooper be expunged from the Journal. Senator Crowley stated that he had no objection. Senator Hutchison moved that the memorial be expunged and referred to the Committee on Education. Senator Imboden accepted the substitute, which was adopted.

May 8, 1893. S. J., p. 710

Your Committee on Education, to whom was referred a memorial signed by O. H. Cooper making charges and criticisms against the University of Texas, the Board of Regents, Faculty, and chairman of the faculty, have had the same under consideration, and I am instructed to report that in the opinion of your committee the charges preferred in said memorial have not been sustained, and that its criticisms have been shown, to the satisfaction of your committee, to be groundless and uncalled for.

Signed by Chairman Smith and twelve other members of the Committee.

March 20, 1893; Austin Statesman for March 30, 1893.

To the Honorable, the Members of the Senate Committee on Education:

I regret that it is necessary for me, owing to certain circumstances, to answer some charges made by Professor Cooper against the university and against myself in a paper which has been designated his "memorial."

The circumstances that make it necessary for me to answer these charges are these: On Friday, March 10, about 2:30 o'clock in the afternoon I received a note from Hon. L. T. Dashiell, a member of the committee on education in the house, saying that Professor Cooper would appear before that committee at 3 o'clock to make charges against the university, and urging me to be present. I could hardly believe that formal charges would be made against an institution of learning, involving the interest of so many persons, without notice being given and time afforded for the preparation of an answer. Yet such was the case. Prof. Cooper appeared before the committee with an elaborate paper, attacking, with the most reckless assertions, the university regents, the university faculty and myself. I requested a copy of the paper, saying that it could and would be answered, and in the meanwhile replied orally to the most salient points of the indictment. At the conclusion of my reply the paper was refused me on the ground that it was not the property of the committee. I acquiesced, and there the matter would have ended so far as I was concerned, but on the afternoon of Saturday, March 11, this same indictment, now entitled a "memorial," was sent to the president of the senate with the request that it be printed in the Senate Journal without being read. This being granted, as is usual in such cases I am informed, Professor Cooper's paper with some changes, suggested doubtless by the debate of the previous day, appeared Monday in full in the senate Journal, but without the answer or any allusion to the answer that had been made to it before the house committee. It was at once expunged from The Journal and referred to the senate committee on education by, I am told, a unanimous vote. It is owing to the courtesies of this committee that I am allowed to present in this paper what is substantially the reply I made to Professor Cooper before the house committee on education. . . .

In the first count, the regents are charged with "gross incompetency." The brazen effrontery of this charge is apparent when it is remembered that the board of regents was composed originally of men selected by Governor Roberts, from different parts of the state, on account of their fitness for organizing and establishing a university, and is composed now of men selected by Governor Roberts, Governor Ireland, Governor Ross, and Governor Hogg. Is it

reasonable to suppose that citizens selected at different times, by different governors and whose names are known all over the state as eminent, practical, astute, scholarly men, should, upon their selection as regents of the university, suddenly become incompetent? The supposition is absurd, and can be entertained only by one who imagines that a failure to recognize his superior talent and mental equipment is positive proof of "gross incompetency." . . .

The second count in this formidable indictment is the inefficiency of the faculty of the academic department. It is expressed in the following sentences quoted from the "memorial." "The standard of this institution—that is the academic department—is far below the standard of first class universities in this country." . . . "The standard of admission is from one and one-half to two years below the usual standard." . . . How in the name of reason can a comparison of the requirements for admission in two universities be a demonstration that the teaching in one "will hardly escape criticism in a high school?" The trouble with Professor Cooper is that he thinks his opinion is independent of reason. . . . What University does he select with which to compare the University of Texas? None other than the Johns-Hopkins—established primarily for graduates. Subsequently it was found that it could not depend entirely on graduates for its students. An undergraduate department was then established and the requirements for admission were made presumably as high as possible to carry out in some sense the original intention. Why did he take the foremost institution in the country with which to compare the University of Texas? (Johns Hopkins) . . . He took the highest one manifestly because it was the only one he could find with which the University of Texas would suffer in comparison. . . .

But the charge is that the faculty in the academic department is inefficient. I find it difficult to speak with any degree of moderation on this charge unsupported as it is by anything except Prof. Cooper's bare assertion. . . . But why all these words and "this waste of Christian ink" as Charles Lamb would say, on the requirements for admission? They have nothing to do with the scholarship or teaching ability of the faculty. The standard of admission is largely a question of policy. . . . The elevation of the standard has been gradual and tentative until now, as has been shown, the university compares favorably with other institutions. Speaking as an individual, however, I am inclined to think that in some things the standard is too high at present, and that in these things it can be profitably lowered until the high schools in the state were more thoroughly equipped.

The third count in Prof. Cooper's arraignment of the university is the undue influence in its management exercised by the Austin



clique, cabal, solidarity, etc., as he in various connections styles it. In his exposures of the nefarious chicaneries of this clique Professor Cooper makes the most reckless statements, all of which are unsupported by any proof. . . .

As for the influence of this clique on the board of regents in the selection of professors and the general management of the university, I can only refer to the regents themselves. They can be easily approached and will doubtless satisfy any one in doubt.

The fourth count in Professor Cooper's indictment is the insignificance of the chairman of the faculty and his general lack of ability. It is with great embarrassment that I enter upon a discussion of this count. My fitness for the place I happen to occupy is a question that properly belongs to those who put me there. Any discussion of it by me savors of an intrusion of myself, from which I instinctively shrink. . . .

In regard to my general lack of ability, Prof. Cooper says I am not a great man. I do not claim to be. I know of but one man in Texas who does. . . . The faculty is now composed of sixteen professors entitled to vote, and has grown to this number by constant additions of new material. If I have controlled these two bodies by indirection and by craft, as Prof. Cooper insinuates, they must be composed of dolts and fools. If I have controlled them by the weight of my suggestions and the confidence they have had in my judgment, I must be a man of more ability than Prof. Cooper gives me credit for. The fact is, I have not controlled them at all. The board and the faculty are perhaps as independent bodies as ever met in Texas. The man that would attempt to control them would soon discover his mistake. . . .

LESLIE WAGGENER.

April 14, 1893; H. J. p. 968

Miss Elizabeth Ney prayed for the establishment of an academy of high arts at Austin, as a branch of the University, agreeing to secure the grounds, superintend the building and equipment, and to teach sculpture free of cost.

#### GENERAL LAWS

S. S. B. 191; Ch. 71, p. 99; G. 10, p. 529

An Act to provide for the retirement of the past due bonds of the State of Texas; for the payment of interest thereon, and the issuance of other bonds at a lower rate of interest in lieu thereof.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That the Governor of the State is hereby authorized to have prepared and issued as may be necessary, manuscript and lithographic bonds

of the State to the total amount of four hundred and eighty-six thousand five hundred dollars, to-wit: Three hundred and thirty-four thousand five hundred dollars, due and payable forty years from date, bearing four per cent interest per annum from date, interest payable semi-annually on the first days of January and July, said bonds to be of such denomination as the Governor may direct, and redeemable at the option of the State at any time after five years from the date of their issuance; one hundred and fifty-two thousand dollars, bearing five per cent interest per annum from date, payable to the University of Texas—interest payable semi-annually, said bonds to be non-negotiable and non-transferable, and redeemable at the option of the State; all bonds issued under this act to be signed by the Governor and State Treasurer, and countersigned by the Comptroller of Public Accounts; also the title and date of the passage of this act shall be recited therein, and registered in the office of the State Treasurer.

SEC. 2. The purpose of the issuance of these bonds shall be for the retirement of the following series of past due State bonds:

1. Two hundred thousand dollars (\$200,000) of six per cents of the act of February 13, 1885, redeemable at the pleasure of the State, January 1, 1890.

2. Twenty-five thousand five hundred dollars, (\$25,500) of six per cents of the acts of May 2, 1871, due March 1, 1892.

3. Two hundred and sixty-one thousand dollars (\$261,000) of seven per cents of the act of December 2, 1871, due April 1, 1892.

SEC. 3. The bonds authorized to be issued by this act shall be used in the following manner. The manuscript in lieu and in retirement of past due bonds held by special funds; *Provided*, should the Governor be unable to substitute said four and five per cent bonds in lieu of past due bonds held by special funds, or any part thereof, then the lithographic shall be sold by the Governor at not less than their face value, and the proceeds applied to the purchase of the past due bonds hereinbefore named.

SEC. 4. The Comptroller shall pay the accumulated interest due upon said past due bonds by issuing his warrants on the State Treasurer for all interest due up to March 1, 1893, and thereafter, until said bonds are retired.

SEC. 5. That the sum of twelve hundred dollars (\$1200) or so much thereof as may be necessary, is hereby appropriated, out of any money in the treasury not otherwise appropriated, to pay the expenses of engraving and printing the bonds provided for in this act, and the plates used in engraving and printing the said bonds shall be canceled or destroyed under the direction of the Governor, and a certificate to that effect shall be filed in the office of the Comptroller of Public Accounts.

Approved May 2, A. D. 1893.

S. B. 188; Ch. 77, p. 100; G. 10, p. 530

An Act to amend section 10, chapter 100, of an act entitled "An Act to promote development of the mineral resources of Texas," approved March 29, 1889.

[Nothing was ever done under this law in regard to University land.]

S. H. B. 116; Ch. 98, p. 145; G. 10, p. 577.

An Act making appropriation for the support of the State Government for the years beginning March 1, 1893, and ending February 28, 1895, to cover deficiencies, and for other purposes.

#### UNIVERSITY OF TEXAS

For the support and maintenance of the University of Texas, all of the available fund, including under this head the interest of its bonds, the interest from its land notes, the income from its leases, and the fees of its students, to be under the control of the board of regents, less the appropriation herein made for the Agricultural and Mechanical College, all yearly fees collected from students to be fixed by the regents, and to be not more than fifty dollars per year from each student in the law department, and not more than ten dollars per year from each student in the academic department.

To supplement the available fund in the support and maintenance of the main University from the general revenue. . . . .	\$ 7,500.00	\$ 7,500.00
Instruments and materials for the department of applied mathematics, out of general revenue..	4,000.00	
Completing heating apparatus for the main building, and to supply the chemical laboratory with heating apparatus, out of general revenue	7,000.00	
The library, out of general revenue, for two years. . . . .	5,000.00	

MEDICAL UNIVERSITY

The board of regents of the University may charge each medical student a tuition fee of (\$50) fifty dollars for each scholastic year, the proceeds from which shall also be applied to the maintenance and support of said medical branch.

For support and maintenance, out of general revenue:

For salaries of professors.....	21,800.00	21,800.00
Salary of demonstrator of anatomy	1,000.00	1,000.00
Salary of demonstrator of physiology.....	1,500.00	1,500.00
Salary of provost.....	1,200.00	1,200.00
Salary of janitor.....	1,200.00	1,200.00
Laboratories .....	2,000.00	2,000.00
Library fund .....	500.00	500.00
School of pharmacy, to be established.....	2,500.00	
Incidental expenses of insurance, fuel, gas, water, stationery, and postage, printing, catalogue, repairs, grounds, and other general expenses. ....	2,000.00	2,000.00

For support and maintenance of the Agricultural and Mechanical College, out of general revenue, \$19,500, and out of available University fund, \$500 .....

20,000.00      20,000.00

. . . . . Provided, that the board of directors of the Agricultural and Mechanical College of Texas shall include in their reports the number and salaries of the faculty and employes of the Agricultural and Mechanical College and of the prairie View Normal School, and the receipts and expenditures, itemized, of each of these institutions in the same manner as the law requires the board of regents to report the salaries and number of the faculties and employes and the receipts and expenditures of the University of Texas.

Approved May 29, 1893.



# **TWENTY-FOURTH LEGISLATURE, REGULAR SESSION, JANUARY 8 TO APRIL 30, 1895**

## **MESSAGE OF GOVERNOR J. S. HOGG**

January 11, 1895; Appendix to H. J., pp. 16, 26-27; S. J., pp. 16,  
26-27

### **STATE UNIVERSITY**

Ses- sion	No. Stu- dents	Appropria- tions	Improve- ments	Expendi- tures	Per Capita Cost
1891-2	363	\$50,000.00	\$21,898.58	\$ 85,305.88	\$174.70
92-3	328	10,000.00	33,404.82	100,546.42	204.70
93-4	356	23,500.00	12,931.34	79,910.35	188.14
94-5*	405	7,500.00			
Receipts					
1891-2		\$6,353.54			
92-3		6,340.00			
93-4		7,735.57			
94-5					

### **MEDICAL BRANCH STATE UNIVERSITY**

Ses- sion	No. Stu- dents	Appro- tions	Improve- ments	Re- ceipts	Expendi tures	Per Capita Cost
1891-92	23	\$52,000	\$4,042.76	\$2,520	\$30,284.30	\$1316.70
1892-93	25	22,000.	28,056.94	2,790	27,160.97	1086.44
1893-94	127	33,700	4,499.94	6,400	39,585.41	319.51
1894-95*	179	31,200	3,560.42	5,840		

\* Session not completed.

### **THE UNIVERSITY**

As the cap-stone of the fine educational system of the State, the university building is located on an eminence of forty acres of every patriotic citizen who understands its merits. The main university building is located on an eminence of forty acres of enclosed, shaded grounds, in the city of Austin, and was erected at a cost of \$146,000. It is a commodious, strong, neat, and well ventilated structure. Its laboratories, heating apparatus, assembly hall, class rooms, literary, and other conveniences are attractive, useful, and of a high order. The chemical laboratory alone cost \$25,000 and the apparatus of the physical laboratory cost \$15,000, while the geological and biological laboratories have been prepared with great skill and foresight at proportionate cost. The faculty

consists of upright, moral, intellectual men of superior attainments, in the vigor of manhood, and of rank in university circles equal to those of much older institutions of the South and North. The attendance for the present year aggregates 420 young ladies and gentlemen, whose reputation for intelligence, close application, honorable demeanor, ambition, and pride is a subject of favorable comment generally, which establishes for the institution a character far above most universities, and justly guarantees to it the liberal support of the people. According to their own selection and choice, these students are taught in the literary and scientific departments, and in the law department, by twenty-five officers of instruction, the studies of English Literature; Philosophy and Political Science; History; Greek Language and Literature; Latin Language and Literature; Teutonic and Romantic Languages; English Philology; Pure Mathematics; Applied Mathematics; Physics; Chemistry; Geology, and Pedagogy.

Accessible to and for use by them in the pursuit of higher education on the lines indicated, are the fine laboratories and well selected library of 13,000 volumes. Surrounding the institution on all sides are the elegant homes of refined families, where the students are admitted virtually as members, and are given paternal care.

Within the grounds is a commodious mess hall, where the young men board at light expense. This is the donation made by Mr. George W. Brackenridge, of San Antonio, and is a monument to his patriotism, to his pride, to his philanthropy, and to his fine sense. By this act he has placed finished education within the grasp of the young men of this State at the lowest possible expense. That they avail themselves of the advantage, and appreciate it, can best be understood by witnessing the large crowd of fine young gentlemen who swarm in and around it daily. It seems to be, with them, a hallowed spot, where gratitude and pride—the best elements of manhood—hold sway to the honor of themselves, of their benefactor, and of the University.

In this connection it is also proper to acknowledge with gratitude the receipt of the only other individual donation made to the University, consisting of 3476 coins and 1846 medals of bronze, silver and gold, presented by an old Texian, Mr. S. M. Swenson, now of New York. When a youth he came to Texas, in poverty, from his native home, Sweden. After years of honest toil, manly frugality, and sagacious investment, Mr. Swenson amassed a great fortune and moved to his present abode. His contribution to the University is lasting and very valuable, and as a consequence his memory will be revered during the life of the institution by all who may patronize or be connected with it.

This great institution does not possess sufficient revenues to efficiently maintain it. The State bonds owned by it, amounting to \$576,540, bear \$31,728.60 annual interest, which, together with interest on land notes, \$2,624.06, and lease of its lands, \$8,689.20, constitute its available revenue, on which it must depend for support, except when aided by the Legislature. Aside from the fifty leagues of land set apart to it by the Republic of Texas, the Constitution of 1875 appropriated 1,000,000 acres, and the Legislature of 1883 appropriated to it another 1,000,000 acres of the public domain. But little, if any, of this land is fit for agriculture, and as a consequence, yields a light, inadequate income. If it were leased at three or four cents an acre, it would go far towards making the University independent. It has never been leased to much advantage. While the Commissioner of the General Land Office has been faithful in looking after this trust estate, it has been practically impossible for him to satisfy the Regents of the University with the results. They believe it can be managed to better account through their direct instrumentality. It would be well to let them have the absolute control of its rental and lease, under such legislative restrictions as may be appropriate. At all events, this great institution of learning, now fast reaching the hearts of the rich and poor alike, should receive that legislative encouragement and support commensurate with its inestimable importance in the educational fabric of our State.

#### MESSAGE OF GOVERNOR C. A. CULBERSON

January 16, 1895; H. J., p. 58; S. J., p. 45

The unexpected length of this communication precludes a consideration of other matters, such as relates to the University and its branches, the charitable and penal institutions, county roads, codification of the laws, regulation of primary elections, reformation of our election laws, and attention to the appropriate perpetuation of great historical events,

#### PROCEEDINGS IN THE LEGISLATURE

H. B. 4—By Mr. Bumpass.

To provide homes on the public school, asylum and University lands for those who have no land, and to increase the available school fund.

Adversely reported. H. J., p. 1026.

H. B. 69—By Mr. Wester.

To amend Section 5 of an act to establish the University of the the State of Texas so as to add the Governor, Chief Justice of the

Supreme Court, and the State Superintendent of Public Instruction to the Board of Regents of the University. . . .

Withdrawn. H. J., 1030.

H. B. 125—By Mr. Wayland.

General Appropriation bill.

Became a law as S. H. B. 125. H. J., p. 1032; S. J., p. 695.

H. B. 138—By Mr. Mills.

General Appropriation bill.

Substitute reported in H. B. 125. H. J., p. 1032; S. J., p. 695.

H. B. 336—By Mr. Turney.

To invest the Regents with the management and control of the University lands.

Favorably reported. H. J., p. 1042.

H. B. 349—By Mr. Wester.

To make the State Superintendent ex officio the additional and ninth member of the Board of Regents.

Favorably reported. Died on Speaker's Table. H. J., p. 1042.

H. B. 454—By Mr. Stubbs.

To make an appropriation to secure clinical advantages to the students of the Medical Department.

Adversely reported. H. J., p. 1047.

H. B. 460—By Mr. Beall.

To suspend the forfeiture of public lands, including University lands, for non-payment of interest.

Died in Senate. H. J., p. 1047.

H. B. 686—By Mr. Graham.

To establish a Branch University for the colored race.

Died in Committee. H. J., p. 1058.

H. C. R. 31—By Mr. Dashiell.

To authorize and instruct the Land Commissioner to set aside out of the unappropriated public domain such land as may be necessary to reimburse the University for lands lost on account of conflicts.

Died in Committee. H. J., p. 1062.

[During February and March a number of petitions coming from colored citizens in various parts of the State asked for the establishment of the Colored Branch of the University. H. J., pp. 322, 369, 388, 397, 571.]

S. B. 78—By Mr. Sherrill.

Appropriation Bill.

Motion to amend by adding for a conservatory of music in the Main University, to be expended within 2 years, \$10,000.

Lost: Yeas 9, nays 14. S. J., pp. 374, 688.

S. B. 95—By Mr. Goss.

To provide for the sale or lease of all free school, University and asylum lands, the patenting of such lands for church, ceme-



tory or school house sites, the prevention of free use or unlawful enclosure of such lands.

After amendments, became a law as S. B. 299. S. J., p. 724.

S. B. 110—By Mr. Pressler.

To invest the Regents with the control of the University lands.

Became a law. S. J., p. 733; H. J., p. 1086.

S. B. 137—By Mr. Beall.

To amend Sections 6 and 8, to repeal Section 9 of the Act of March 30, 1881, establishing the University.

Became a law. S. J., p. 712; H. J., p. 1087.

S. B. 217—By Mr. Dickson.

To provide for a school of Dentistry in the Medical Department.

Passed Senate; died in House. S. J., p. 721; H. J., p. 1089.

S. B. 281—By Mr. Tips.

To provide for the sale of all the unappropriated public lands including all those reserved for sale by chapter 52 of General Laws. Approved July 14, 1879.

Not acted on. S. J., p. 745.

S. B. 299—By Mr. Goss.

To provide for the sale or lease of all free school, University and asylum lands.

Became a law. S. J., p. 725; H. J., p. 1090.

S. J. R. 7—By Mr. Greer.

To appoint a committee to investigate the various State institutions.

Referred to Committee on Education. Reported favorably. S. J., p. 748.

### GENERAL LAWS

#### S. B. 110; Ch. 18, p. 19; G. 10, p. 749

An Act to invest the Board of Regents of the University of Texas with the management and control of the University lands.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That the Board of Regents of the University of Texas are hereby invested with the sole and exclusive management and control of the lands which have heretofore been or which may hereafter be set aside and appropriated to or acquired by the University of Texas, with the right to sell, lease and otherwise manage, control and use the same in any manner, and at such prices and under such terms and conditions as may to them seem best for the interest of the University, not in conflict with the Constitution of this State: *Provided*, that such land shall not be sold at a less price per acre than the same class of land of other funds may be sold at under the statutes.

SEC. 2. The Commissioner of the General Land Office is hereby directed to furnish as soon as practicable to the said Board of Regents complete and accurate maps and all other data necessary to show the location and condition of every tract of said University lands, and shall at all times hereafter furnish to said board such additional information as they may require, and shall at all times render to said board such assistance as may be possible and as they shall request in the discharge of the duties hereby imposed on said board.

SEC. 3. All records and accounts of transactions in University lands, and of moneys paid thereon, shall be kept in the General Land Office, and in office of the Treasurer, as heretofore, and all patents shall be signed and issued as heretofore, and all moneys received on the sales or leases of said lands shall be paid to the Treasurer of the State.

[Became a law without the signature of the Governor.]

S. H. BS. 125 and 138; Ch. 86, p. 135; G. 10, p. 865

An Act making appropriations for the support of the State Government for the years beginning March 1, 1895, to February 28, 1897, and for other purposes.

#### FOR THE UNIVERSITY OF TEXAS

For the support and maintenance of the University of Texas, all of the available fund, including under this head the interest of its bonds, the interest from its land notes, the income from its leases, and the fees of its students, to to be under the control of the board of regents, less the appropriation herein made for the Agricultural and Mechanical College; all yearly fees collected from students to be fixed by the board of regents, and to not more than \$50 per year from each student in the law department, and not more than \$10 per year from each student in academic department.

For payment of current expenses.....\$25,000.00    \$22,500.00

*Provided*, that \$2,500.00 of the appropriation for the year ending February 29, 1896, may be used to defray the expenses of the management of the University lands.

## MEDICAL BRANCH OF THE UNIVERSITY OF TEXAS

Maintenance of Medical department.....	\$38,500.00	\$38,500.00
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## AGRICULTURAL AND MECHANICAL COLLEGE\*

For the support and maintenance of the Agricultural and Mechanical College, out of general revenue, \$19,500, and out of available University fund, \$500, each year....

20,000.00	20,000.00
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[The appropriations for the A. and M. College are subject to the same provisos as in Chapter 98, General Laws, Twenty-third Legislature, Regular Session.]

Approved, May 3, 1895.

## VETO OF GOVERNOR C. A. CULBERSON

May 3, 1895; Record No. 380. General Laws, Vol. 2, Twenty-fourth Legislature. Department of State.

11. Under the head of the University of Texas there is an appropriation of \$27,500 for the payment of current expenses for the year ending February 28, 1896, which is inadvertently \$2500 more than requested by the Board of Regents, and the item is therefore reduced to \$25,000.

12. The item of \$6000 for apparatus necessary for the Department of Electrical Engineering and the item of \$5000 for the Library of the University. I am a friend to the University and am ready to advance its interests in every proper way. The founders of this institution contemplated its equipment and maintenance out of the available University fund. Notwithstanding this, the appropriation for the next two years, amounting to \$47,500 out of the General Revenue, is in excess of that of two years ago by \$16,500. The University is already provided with a handsome library, consisting of about 11,000 volumes. In addition to the increased appropriation mentioned, at the request of the Board of Regents, who believe the revenues of the University will thus be greatly increased, the control and disposition of the University lands have been given them. With the increased appropriation already noticed and the increased revenues anticipated from the management of the lands by the Board of Regents, it may be that these two items can be provided for out of the University fund, but if they must finally be paid out of the General Revenue, the condition of the Treasury is not such that the expenditure can be made at this time.

13. The item of \$2000 for each year for salary of Instructor and Assistant for Training School for Nurses. Without reference to this item, the expenses of the Medical Branch of the University, as borne by the General Revenue, are increased \$13,100 for the next two years as compared with the previous two years, and under the existing conditions, especially since the Board of Regents have not requested this appropriation, it is not a reasonable demand upon the State.

S. B. 137; Ch. 111, p. 169. G. 10, p. 899

An Act to amend Sections 5 and 8 and to repeal Section 9 of an Act approved March 30, 1881, entitled "An act to establish the University of Texas."

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That sections 5 and 8 of an act approved March 30, 1881, entitled "An act to establish the University of Texas," shall be so amended as to hereafter read as follows:

Section 5. The government of the University shall be vested in a board of eight regents, selected from different portions of the State, who shall be nominated by the Governor, and appointed by and with the advice and consent of the Senate. The members of the board of regents heretofore appointed shall continue to exercise their duties until the expiration of their respective terms.

Section 8. The regents shall elect a chairman of the board of regents from their own number, who shall hold his office during the pleasure of the board. They shall establish the departments of a first class university, determine the offices and professorships, appoint a president, who shall, if they think it advisable, also discharge the duties of a professor, appoint the professors and other officers, fix their respective salaries, and they shall enact such by-laws, rules and regulations as may be necessary for the successful management and government of the University; they shall have power to regulate the course of instruction and prescribe, by and with the advice of the professors, the books and authorities used in the several departments, and to confer such degrees and to grant such diplomas as are usually conferred and granted by universities.

Section 2. Section 9 of said act is hereby repealed.

Became a law without the signature of the Governor.



## TWENTY-FOURTH LEGISLATURE, CALLED SESSION, OCTOBER 1 TO 7, 1895

### PROCEEDINGS IN THE LEGISLATURE

H. B. 7—By Mr. Owsley.

To validate certain illegal sales of public school, University and asylum lands sold under Section 22, chapter 99, Laws of 1887, as isolated and detached lands.

Favorably reported. S. B. 7 substituted. H. J., p. 58.

S. B. 7—By Mr. Rogers.

To validate certain illegal sales of public lands (including University lands) sold under Section 22, chapter 99, of the laws of 1887.

Read third time and passed. Died on Speaker's table. S. J., p. 28; H. J., p. 61.

## TWENTY-FIFTH LEGISLATURE, REGULAR SESSION, JANUARY 12, TO MAY 21, 1897

### MESSAGE OF GOVERNOR C. A. CULBERSON

January 14, 1897; H. J., p. 15, 16, 25; S. J., p. 9, 10, 19

. . . . . Notwithstanding the general financial depression, the attendance at the University and the medical branch, has increased, and at the Agricultural and Mechanical College and the Sam Houston Normal Institute has been maintained. The new lease law will probably increase the income of the University from leases ten thousand dollars annually for use in current expenses.

. . . . .

[The message goes on to show in a table of the State institutions that during 1893, \$37,078.03, during 1894, \$61,779.98 were expended for the University. During 1895, \$62,692.92, during 1896, \$67,924.28 were so expended.]

. . . . .

As compared with the appropriations for the current two years, the following are the largest items of increase in requisitions made:

. . . . .

Medical Branch of the University (\$50,000 for new building, the remainder for current expenses).....	\$ 63,333.32
State University .....	\$333,201.60

. . . . .

Of this increase \$230,000 is for new buildings, the remainder for repairs, libraries, equipments, and for current expenses. . . . .

. . . . .

But in addition to this it must be borne in mind that appropriations over those of the current two years and to which the Legislature is pledged seem necessary for the Confederate Home, Insane Asylums, University and Agricultural and Mechanical College. . . . State pride, remembrance of the aspirations of the fathers, and sincere appreciation of the great work in which these schools are engaged, suggest that any reasonable requisition for the support and necessary expansion of the University and Agricultural and Mechanical College should be granted. By section 14, article 7, of the Constitution, the Legislature is prohibited from appropriating general revenue for the erection of buildings of the University, and it is apparent that other increased demands made by it as well as some by the asylums and Agricultural and Mechanical College are impracticable at this time.

### PROCEEDINGS IN THE LEGISLATURE.

H. B. 13—By Mr. Robbins.

To validate certain illegal sales of public school, University and asylum lands.

Became a law. H. J., p. 1418; S. J., p. 961.

H. B. 70—By Mr. Smith.

To provide for the survey of lands to be set apart as a permanent endowment fund for the Branch University for colored people.

Died in the Senate. H. J., p. 1421; S. J., p. 962.

H. B. 124—By Mr. Bell.

To provide for the survey of lands to be set apart as a permanent endowment fund for the Branch University for colored people.

Became a law. H. J., 1423; S. J., p. 964.

H. B. 203—By Mr. Garrison.

General Appropriation Bill.

This bill appropriated to the University for each year as follows:

For Main University	\$45,000	\$45,000
For Medical Branch	38,500	38,500
For repairs	4,000	
Less for A. & M.	500	500

Whole bill vetoed. H. J., p. 1426; S. J., p. 965.

H. B. 439—By Mr. Curry.

To appropriate \$7,500 to establish a normal department in the University.

Died on Speaker's table. H. J., p. 1435.

H. B. 503—By Mr. Gilbough.

To aid in the support of the John Sealy Hospital and make an appropriation for the two years beginning March 1, 1899.

Adversely reported. H. J., p. 1437.

H. B. 655—By Mr. Fisher.

To limit the right of teachers and other persons connected with any school, college or university, to make rules and regulations for the government and control of any child, so as to interfere with the right of the parent to control and manage his or her child and to provide a penalty for violation.

Favorably reported. Died on Speaker's Table. H. J., p. 1443.  
H. J. R. 7—By Mr. Sluder.

Ratifying and approving the action of the State's attorneys in compromising its claims for University lands in McLennan County.

Became a law. H. J., p. 1448; S. J., p. 984.

S. B. 24—By Mr. Rogers.

To validate certain illegal sales of public school, University and asylum lands sold under Section 22, chapter 99, of Laws of 1887.

Died on Calendar. S. J., p. 932.

S. B. 41—By Mr. Wayland.

Appropriation bill.

Became a substitute for H. B. 203. S. J., p. 933.

S. B. 48—By Mr. Pressler.

To provide for a survey of lands to be set apart as an endowment for a Branch University for colored people.

Passed Senate. Died in House. S. J., p. 934; H. J., p. 1468.

S. B. 51—By Mr. Bailey.

To amend Article 4268 Revised Statutes providing for the permanent endowment in lands or its proceeds of the University and its branches, including a branch for colored youths, and to provide for an equal endowment for the common schools.

Reported adversely: S. J., p. 934.

S. B. 100—By Mr. Stone.

To transfer to the available University fund the unexpended balance of the U. S. direct tax fund remaining in the State treasury on the third day of March, A. D. 1897, and appropriating the same to the construction and completion of buildings, and in making of other permanent improvements of and for the University.

Died in House. S. J. p. 938; H. J. p. 1469.

S. B. 173—By Mr. Tillett.

To provide for the sale and lease of the land belonging to the school, asylum, University, and orphan's home funds.

Died in committee. S. J., p. 944.

S. B. 252—By Mr. Pressler.

To establish a normal department of the University.

Died in committee. S. J., p. 950.

S. C. R. 18—By Mr. Yantis.

To return H. J. R. 7 to the Senate that it may be signed by the President. S. J., p. 997; H. J., p. 1474.

S. C. R. 15—By Mr. Ross.

To thank Sir Swante Palm for the gift of his library to the University.

Became a law. S. J., p. 997; H. J., p. 1474.

## GENERAL LAWS

H. B. 124; Ch. 109, p. 148; G. 10, p. 1202

An Act to provide for the survey of lands to be set apart as a permanent endowment fund for the Branch University for Colored people of this State.

Section 1. Be it enacted by the Legislature of the State of Texas: That the Governor and the Commissioner of the General Land Office be and they are hereby authorized to contract with and appoint a competent surveyor to survey and return to the General Land Office plats and field notes of one hundred thousand acres of land, to be surveyed out of any of the vacant public and unsurveyed lands of this State in the manner hereinafter provided. They shall contract with such competent surveyor at the lowest price consistent with competency and efficiency in discharging the duties of surveyor. If they deem it necessary they may advertise for bids from surveyors. The surveyor so appointed shall enter into a good and sufficient bond in a sum of not less than double the contract price of the surveys, conditioned that he will faithfully comply with the requirements of this act, which bond shall be payable to the governor of the State, and be approved by him.

Sec. 2. The Commissioner of the General Land Office shall furnish the surveyor appointed under authority of this act with sketches showing connections with any existing and established corners from which he may begin the surveys. He shall survey the lands into sections of 640 acres and in blocks after the manner of the railway surveys now existing in this State, and shall make plats of each block and survey, numbering the blocks in numerical order, beginning with number one, and shall also number each section in each block in the same manner, beginning with number one in each block. In all cases he shall mark and establish two corners on the ground for each survey, and the lines between which, if in timber, shall be distinctly marked. Said corners shall be made with at least two bearings, if in timber, and if in prairie, by earth mounds six feet in diameter and three feet high or with a pile of rocks not less than two feet high. He shall actually survey each section on the ground and sign the field notes, himself, of each survey separately and have his chain carriers to attest the field notes of each survey by their own signatures. The surveyor shall then certify that he actually surveyed the land embraced in the field notes, on the ground, and that the field notes correctly describe the land.



He shall have the field notes of each survey and plat recorded in the surveyor's record of the county or counties in which the lands surveyed are situated or in the county to which such county may be attached for surveying purposes in the manner now required by law. He shall, however, first forward the field notes of all surveys made in any county to the commissioner of the land office for examination both as to correctness and as to conflicts with older valid surveys, and upon their return to the surveyor, and after being approved by the commissioner, they shall be recorded as above required. After the field notes are recorded the said surveyor shall make a plat of each block of surveys according to the field notes so made by him, and return same, together with the original field notes, recorded, to the general land office. All the lands surveyed as required by this act shall thereafter be mapped in the land office and shall be known and designated as the Branch University surveys for the colored people.

Sec. 3. It shall be the duty of the commissioner to have the sections carefully numbered on the map in accordance with the field notes of the surveys and blocks so returned by the surveyor. The odd numbered surveys shall thereafter be set apart and constitute a permanent endowment for a branch University for the Colored people, and the even numbered sections shall thereafter be set apart and constitute a permanent endowment for the public free schools of the State. None of the odd numbered lands surveyed, as required by this act, shall be put on the market and disposed of by the commissioner of the land office, but shall be under the control of the Board of Regents for the University of Texas, and held by the board in trust for the benefit of the said branch University for the colored people. All the funds received by said board for leases or sale of said lands shall be held sacred for the benefits and uses herein designated. The commissioner shall not sell the even numbered sections set apart herein for the public free school fund, but may lease the same to such persons only as may lease from the Board of Regents the odd numbers. Whenever the board may desire to sell said lands, they may contract for its sale, and the purchaser, upon exhibiting to the commissioner of the land office such contract and depositing with him a duplicate copy of the same, the commissioner may also sell the school sections corresponding with such odd numbers on the same terms and at the same price per acre as that embraced in the contract; provided, it shall not be sold for less than one dollar per acre. The proceeds to be paid into the treasury of the State, as now provided by law.

Sec. 4. Any of the vacant and unsurveyed public domain situated in any of the counties embraced in Chapter XXXIII, approved

March 11, 1881, may be surveyed for the purposes set out in this act, notwithstanding any reservation therein or elsewhere.

Sec. 5. If any sale shall be made of the school lands herein as provided in Section 4 of this act, and any payment of principal or interest shall not be made according to the contract of sale, it shall be the duty of the commissioner of the general land office to forfeit the contract without judicial ascertainment, as now provided by law, and the contract shall contain a stipulation authorizing such forfeiture which shall be signed by the purchaser.

Sec. 6. The surveyor shall be paid by a warrant of the comptroller drawn on the treasurer of the State out of the general revenue upon the presentation to the comptroller of the certificate of the commissioner of the general land office certifying that the lands have been surveyed and field notes and plats have been properly returned to the land office. He shall also reimburse in the same manner the contractor for any sum of money for fees which he may have paid to the county surveyor for recording field notes and plats, not in excess of the fees now provided by law for such recording.

Approved, May 7, 1897.

[See p. 418.]

**H. B. 13; Ch. 115, p. 160; G. 10, p. 1214**

An Act to validate certain illegal sales of Public School, University, and Asylum lands, sold under Section 22, Chapter 99, of the Acts of 1887, and the amendments thereto, sold as isolated and detached lands, which were not in fact isolated and detached.

Section 1. Be it enacted by the Legislature of the State of Texas: That all sales of Public School, University, and the several asylum lands which were sold as isolated and detached lands under section 22, Chapter 99 of the acts of the Legislature of the State of Texas, of 1887, and amendments thereto, which were in fact not isolated and detached, as construed by the Supreme Court, where the original sales have not been canceled and the lands resold, be and the same are in all things hereby legalized and made valid in all cases where such sales would have been valid if the lands so sold had in fact been isolated and detached: provided, that when applications have been made for the purchase of any such lands, in advance of placing of the same on the market again, it shall not have the effect of a sale of such lands, nor of requiring the Commissioner of the General Land Office to award such lands to such applicants. . . .

Approved May 13th, 1897.

S. C. R. 15; p. 260. G. 10, p. 1314

Tendering thanks of the people of Texas to the Honorable Swante Palm for donation of his library to the State University.

Whereas, The Honorable Swante Palm, a distinguished citizen of Austin, and the consular representative of his Majesty, the King of Sweden, at the Texas capital, has manifested his patriotic and generous interest in the intellectual development of the youth of the State, by making to the Texas State University, a free donation of his magnificent library, consisting of rare volumes, valuable manuscripts, and costly works of art; and

Whereas, It is appropriate that, as an inadequate, but sincere recognition of this splendid gift, the Legislature of this State representing the whole people, should give formal expression of the people's gratitude to the Honorable Swante Palm; therefore,

Be it resolved by the Senate of the State of Texas, the House concurring: That the people of the State of Texas, without regard to political sentiment, and each constituency speaking through its senator, and member or members of the House of Representatives, hereby tender to the Honorable Swante Palm, their profound thanks for his splendid gift.

Resolved, That an enrolled copy of this Concurrent Resolution, signed in autograph by the President and Secretary of the Senate, and the Speaker and Chief Clerk of the House of Representatives, and countersigned by the Governor and Secretary of State, and bearing the impress of the seal of the State, be presented to the Honorable Swante Palm, by a joint committee of two Senators, to be appointed by the President of the Senate, and three Representatives, to be appointed by the Speaker of the House of Representatives.

Approved March 4, 1897.

H. J. R. 7; p. 265; G. 10, p. 1319

Ratifying and confirming the action of the attorneys representing the State of Texas in compromising its claim to its University lands in McLennan County, Texas.

Whereas, The 16th Legislature of the State of Texas, at its regular session in 1879, passed a joint resolution authorizing and directing the Attorney General to institute and prosecute such legal proceedings as might be necessary to establish the title of the State to its University lands in McLennan and Hill counties, and to remove all clouds upon said title; and

Whereas, The Seventeenth Legislature, at its regular session in 1881, passed an act to provide for the protection of the State to the University lands in McLennan and Hill counties, and author-

ized the Governor and Attorney General to employ competent counsel to defend the title of the State to said lands; and

Whereas, In pursuance of said resolution and act, the Governor and Attorney General employed counsel who instituted suit in the Nineteenth Judicial District Court of McLennan County, Texas, to recover of Jennie Lewis and a number of others, defendants therein named, fourteen thousand acres of land lying in McLennan County, Texas; and

Whereas, The State's said attorneys comprised said suit with said defendants, whereby the State reclaimed 6533 acres of the said lands for its entire interest in the same, entered by decree of the court in said cause, and the said defendants were given 7022 acres by the terms of the same decree; and

Whereas, The Appellate Courts of our State have held that the State's said attorneys exceeded their authority in making said compromise, and that the same did not affect the title of the State to its said lands; therefore,

Section 1. Be it resolved by the Legislature of the State of Texas: That the said compromise made by the said attorneys for the State in said cause, be, and the same is hereby in all things ratified and confirmed.

. . . . .  
Became a law without the Governor's signature.

## **TWENTY-FIFTH LEGISLATURE, CALLED SESSION, MAY 22, TO JUNE 20, 1897**

### **MESSAGE OF GOVERNOR C. A. CULBERSON**

**May 27, 1897; H. J., p. 13; S. J., p. 5**

Taking the appropriation bill passed at the regular session as a basis, it is believed these reductions may be safely made for the next two years exclusive of some small items: In the governor's office, \$5,000; relief of liquor dealers, \$10,000; in the University, \$10,000; in the Agricultural and Mechanical College, \$10,000; in the Sam Houston Normal Institute, \$20,000; for fees in examining trials, \$20,000. . . . aggregating \$207,920.

### **PROCEEDINGS IN THE LEGISLATURE**

**H. B. 1—By Mr. Garrison.**

General appropriation bill.

Substituted by S. B. 2. H. J. p. 242.

**H. B. 5—By Mr. Burney.**

General appropriation bill.



Substitute reported for this bill and H. B. 1. H. J., p. 242.

H. B. 10—By Messrs. Logan and Tracy.

General appropriation bill.

Substitute reported for this bill and H. B. 1 and H. B. 5. H. J., p. 242.

**June 9, 1897; H. J., p. 110, 118**

Resolution—By Mr. Hensley.

Whereas, The University of Texas is the property of the people in which all have a common interest; and

Whereas, It is currently reported that there has been employed and included in the faculty of said University those who are out of touch and not in sympathy with the traditions of the South, but hold our traditions and our institutions in contempt, and circulate and teach political heresies in place of the system of political economy that is cherished by our people; therefore be it

Resolved, That the Speaker of the House appoint a committee of five members, who shall investigate and report the truth or incorrectness of such charges. Said committee shall have power to summon witnesses and take testimony; and be it further

Resolved, That we, as representatives of the people, request the regents of the University to exercise great care hereafter in selecting as members of the faculty only those who are known to be in sympathy with Southern political institutions, and further request them to cancel as soon as possible any existing contract with members of the faculty not so in sympathy.

(Signed: Hensley, Shelburne, Burns, Barbee, Wall, Rogan, Ewing, and Dillard.)

**June 17, 1897; H. J., pp. 191-192**

*Hon. L. T. Dashiell, Speaker of House:*

Your committee appointed under authority of a resolution adopted in the House on June 10, 1897, with instructions to investigate the report relative to the University of Texas, submit the following report:

The committee visited the University and made as thorough an examination of the matter as the limited time would permit.

We formulated a list of questions, and then in a joint meeting with the board of regents the questions were read and a free discussion held thereon. We also questioned President Winston, Professor of Political Science, D. F. Houston, and Professor of History, George F. Garrison. These gentlemen stated that there was not being taught, to their knowledge, anything that would reflect on Southern institutions or that would be unacceptable to Southern people.

We ascertained that of the professors two were from North Carolina, one from New Jersey, two from Indiana, three from Virginia, four from Texas, one from New York, one from Georgia, one from South Carolina, one from Wisconsin, one from Kentucky, one from Maryland, one from Alabama, and one from Switzerland; and in addition there were employed eleven graduates of the University of Texas as instructors, tutors and fellows. In answer to a direct question, the board of regents stated that on their part there never has been any desire to employ professors or not to employ professors because of their coming from the Northern States. The sole test has been fitness for the position, which has included a careful inquiry into family history and moral character.

The personal predilections of the regents are, other things being equal, for Texas men first and Southern men next, and we are satisfied that there has not been taught in the University anything objectionable to Southern people.

We believe that the board of regents have the best interests of the University at heart and are very earnest in their efforts to build it up.

The committee has not had the time to make a critical examination of the book written by Professor Houston entitled "A Study of Nullification in South Carolina," but from a casual reading would pronounce it to be unacceptable from a Southern standpoint as setting forth principles contrary to Southern teachings. We questioned Professor Houston, who is a South Carolinian, with regard to the book, and he stated that it was written before he came to Texas, and that in his teaching here it was not used, nor was it referred to.

We recommend that each succeeding Legislature shall appoint a committee to investigate thoroughly the University and other educational institutions of the State, as provided by law.

We append hereto a statement made and signed by the Board of Regents, made in answer to direct questions propounded to them by the Committee.

HENSLEY, Chairman.  
TRACY,  
BURNS,  
McGAUGHEY,  
HILL of Travis.

No instruction is given in the University of Texas of a partisan or sectarian character, nor have any partisan or sectarian tests been used in the selection of members of the University faculty. Professors have been selected with reference to their qualifications. The members of the faculty from twenty different colleges and uni-

versities in America and Europe. Should any member of the faculty attempt to inculcate sectarian or partisan ideas, he would be considered unfit to teach in the University, and the regents would require his resignation. Only three subjects taught in the University relate to political matters, to-wit: History, political science, and constitutional law. All these subjects are taught from the standpoint of scientific investigation, and not of partisan advocacy and propaganda. In studying the interpretation of the Constitution, for example, the arguments of lawyers, the speeches and writings of statesmen and public men, and the decisions of the Supreme Court, are set before the students, who study them as they would questions in science, philosophy, and mathematics. The attitude of the professor is partly that of an investigator and partly that of a judge impartially summing up the evidence. In studying the tariff and other current questions, the students consider not merely the writings of all the acknowledged authorities, but also the speeches of political leaders, made in Congress and on the hustings, on each side. The University does not aim to make politicians, but students. It teaches methods of study rather than conclusions.

The regents recognize the rights of individual professors to exercise private judgment in matters political and religious. They regard the University as a miniature of the State, where young men and women of all religious faiths and political beliefs, of all classes and conditions in life, mingle together, on terms of perfect equality, for the cultivation of their intellects, the investigation of truth, and the pursuit of lofty ideals of manhood. In the student body are Democrats, Republicans, Populists, Prohibitionists, and Christians of all denominations.

There has never been any desire on the part of the board of regents to employ professors or not to employ professors because of their coming from the Northern States. The sole test has always been fitness for the position, which has included a careful inquiry into family history and moral character.

The courses of instruction in the University are laid down by the faculty, subject, of course, to the general control of the board of regents. There is not now, nor has there ever been, in the University of Texas, any instruction intended or calculated to hold in contempt the Southern people or ridicule their institutions. The regents believe that all teachers, everywhere, to be successful, must be in sympathy with the people whom they teach; and, while the University of Texas is in no sense partisan, sectarian or sectional, yet it is in sympathy with the life, character, and civilization of the Southern people. The regents believe that an unusually high standard of manliness and of scholarship exists in the University of Texas, and that the students themselves would quickly resent, as unworthy of the institution and of Texas, any

attempt to control their political or religious beliefs. The student body is unusually mature, and most of them have the self reliance and independence of judgment which comes from self-support. They represent the liberal, independent, self-reliant spirit of Texas, and they would not be satisfied with lower standards of scholarship or poorer ideals of truth than are accepted by the best teachers and thinkers of the world.

Signed: T. D. Wooten, Beauregard Bryan, T. S. Henderson, F. W. Ball, Wm. L. Prather, Geo. W. Brackenridge, Board of Regents.

S. B. 2—By Mr. Colquitt.

Appropriation bill.

Became a law. S. J. p. 135; H. J. p. 247.

S. B. 3—By Mr. Stone.

Appropriation bill.

Reported adversely. S. J., p. 135.

S. B. 6—By Mr. Bowser.

Appropriation bill.

Reported adversely. S. J., p. 135.

#### GENERAL LAWS

**S. S. B. 2; Ch. 10, pp. 24, 26; G. 10, pp. 1464-1466**

An Act making appropriations for the support of the State Government, for the years beginning March 1st, 1897, and ending February 28, 1899, and for other purposes.

#### The University

For the support and maintenance of the University of Texas, including such repairs and improvements and extensions as the board of regents may deem necessary, all the available fund, including under this head the interest from its land notes, the income from its leases, and the fees from its students, to be under the control of the board of regents, less the appropriation made for the Agricultural and Mechanical College, all yearly fees collected from students, to be fixed by the Regents, to be not less than \$10 per year for academic department from each student, with such laboratory fees as the Regents shall fix, and not less than \$50 per year from each student in the law department.

To supplement the available fund in the support



of the main University, from the general revenue. . . . . \$32,500    \$32,500

Medical Department, Galveston

For support and maintenance out of general revenue. . . . . \$35,500    \*\$35,500  
 For repairs out of general revenue, to be expended in two years. . . . . 3,000

In addition to the above revenue, the Board of Regents shall charge each student in medicine and pharmacy the matriculation fee of not less than \$50 per year, payable in advance, also a fee of five dollars annually, payable in advance, for each laboratory attended, to cover the cost of material used; the proceeds of the above fees shall also be appropriated and supplemented to any of the above named items for the maintenance and support of the said medical branch of the University, and expended in any manner the Board of Regents may deem for the best interest of the medical college.

Agricultural and Mechanical College

For the support and maintenance of the Agricultural and Mechanical College, out of the General revenue \$19,500, and out of the available university fund, each year, \$500. . . . . \$20,000    \$20,000

[The appropriations for the A. & M. College are subject to the same proviso as in Ch. 98, General Laws, Twenty-third Legislature, Regular Session.]

To pay for surveying lands set apart for branch University of colored people, or so much thereof as may be necessary . . . . . 1,600.00  
 Approved, June 18, 1897.

**TWENTY-SIXTH LEGISLATURE, REGULAR SESSION,  
 JANUARY 10, TO MAY 27, 1899**

**MESSAGE OF GOVERNOR C. A. CULBERSON**

**January 12, 1899; H. J., p. 21, 27; S. J., p. 18, 24**

**PUBLIC EDUCATION AND EDUCATIONAL INSTITUTIONS**

. . . . The University is advancing toward its ultimate place as the educational glory of the State. Here the student population, including the Medical Branch, grew from 539 in 1894 to

\*Enrolled bill shows \$38,500.

800 in 1898. The east wing of the main edifice has been constructed at an expenditure of \$50,000 and adds much to the structure. Better than this, better than additional students or material growth for the present, is the solid foundation upon which its character is building and the forces of culture and scholarship with which its faculty is generally being formed.

#### FORMATION OF EDUCATIONAL AND CHARITABLE BOARDS

The educational and charitable institutions are directed by boards of regents, managers or trustees. The Board of Regents of the University is composed of eight members whose term is eight years. The terms of two of them expire every two years and at each regular session of the Legislature. The Board of Trustees of the Agricultural and Mechanical College, under a recent opinion of the Attorney-General, is composed of six members whose term is two years. The respective Boards of Managers of the two Deaf and Dumb Asylums, the Blind Institute, and the three Insane Asylums, are composed of five members each, with a term of two years, and the Board of Trustees of the Orphans Home is composed of three members whose term is two years. These institutions are purely educational or benevolent. They are not charged with the execution of any governmental measures, and consequently it is not material, upon grounds of civic theory, that they should be in political accord with any State administration. For still stronger reasons it is not essential to the success of any administrative policy that they should be in personal agreement with the central government. Considered solely from the narrow and political view that each administration is entitled to accord and agreement from these institutions, in order to give its policies fair trial, it seems plain that under normal conditions this is neither vital nor indispensable. In the broader and more impersonal sense of non-partisanship, in education and charity, the question is not debatable. It is unnecessary to review causes and conditions under which in some degree a contrary policy has grown up. It is enough to say, assuming my share of responsibility for the situation, that it is better for these institutions, now in their formative and evolutionary stage, that they be entirely divorced from personal and partisan politics. This is the situation already with the University, and the other institutions named should be organized similarly. Each of the Boards should consist of eight members, to be appointed by the Governor with the advice and consent of the Senate. They should be divided into classes numbered one, two, three and four, as determined by each Board at the first meeting, to hold for two, four, six and eight years respectively, so that two will be thereafter appointed every two

years, and the term of each to be eight years. If the members of the Boards are paid actual expenses only, receiving no salary or compensation, they will not be officers within the meaning of Section 30, Article XVI, of the Constitution, which limits the tenure to two years. By organizing the Boards in this manner three important objects will be attained, (1) they will be independent and therefore removed from personal politics, (2) a majority of experienced members will always be on the Boards and (3) it will conduce to stability and fixed policies in the management of the institutions."

#### PROCEEDINGS IN THE LEGISLATURE

H. B. 111—By Mr. Henderson of Lamar.

General appropriation bill.

Became a law. H. J., p. 1504; S. J., p. 1095.

H. B. 495—By Mr. Decker.

To validate and quiet certain land titles.

Became law. H. J., p. 1517; S. J., p. 1101.

H. B. 620—By Mr. Wooten.

To give the Regents absolute and exclusive management and control of the mineral lands of the University.

Favorably reported; died. H. J., p. 1521.

H. C. R. 26—By Mr. Terrell.

To establish a University for the colored race.

Approved by Governor. H. J., p. 1529; S. J., p. 1105.

H. C. R. 53—By Mr. Henderson of Lamar.

To provide for a joint committee to attend the annual exams of the University and its branches as provided by law.

Killed in Senate. Committee approved. H. J., p. 1530; S. J., 1105.

**February 6, 1899; H. J., pp. 262-313**

The Eighth Annual Report of the Regents of the University of Texas, printed in full.

**March 14, 1899; H. J., p. 747**

Mr. Pitts offered the following resolution:

*Whereas*, It is currently reported and charged that on one of the books adopted by the School Board a royalty of ten per cent. is paid by D. C. Heath and Company of Boston, and of that three and one-third is paid to Mr. Sutton, three and one-third to Mr. Kimbrough, and three and one-third to unknown parties; therefore, be it

*Resolved*, That the School Board be requested to report to the Speaker of this House who receives the other three and one-third

per cent, and that this information be imparted to this House tomorrow at 10 o'clock a. m.

Resolution read and referred to Committee on Education.

S. B. 81—By Mr. Linn.

To legalize dissections of unclaimed bodies through a medical board.

Vetoed. S. J., p. 1134; H. J., p. 1560.

S. B. 82—By Mr. Morris.

To regulate the registering of medical diplomas, and to regulate issuance of certificates to practice medicine in State.

Read second time. S. J., p. 1138.

S. B. 114—By Mr. Wayland.

An Act to amend Article 3862, etc., relating to the government of the A. and M. College of Texas.

Died in House. S. J., p. 1147; H. J., p. 1561.

S. B. 189—By Mr. Dibrell.

To give the Regents the absolute and exclusive management and control of the mineral lands of the Uievritsy.

Died in House. S. J., p. 1126; H. J., p. 1562.

S. B. 236—By Mr. Turney.

To validate and quiet title to public free school, University, and asylum lands, sold prior to January 1, 1899, to provide for patents and to prescribe limitation for bringing suits for the recovery of such lands.

Not acted on. S. J., p. 1146.

S. B. 278—By Mr. Turney.

To preserve better all personal property belonging to the State or in which it has an interest.

Became a law. S. J. p. 1146; H. J. p. 1564.

## GENERAL LAWS

H. B. 495; Ch. 150, p. 259; G. 11, p. 295

An Act to validate and quiet titles to public free school, University and asylum lands prior to January 1, 1899; to provide for patents, and to prescribe limitation for bringing suits for the recovery of such land.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That any applicant who has, prior to the first day of January, 1899, made application to purchase public free school, University or asylum lands, and within six months after the date of such application to purchase made actual settlement and first payment thereon and executed his obligation for the balance of the purchase money, and the said land has been awarded to such applicant by the Commissioner of the General Land Office, under the several acts of the Legislature relating to the sale of such lands, and the



said award and the account as to interest payments on such lands is in good standing, such award and sale is hereby validated, and the Commissioner of the General Land Office shall issue to such purchaser, his heirs and assigns, patent thereto, upon the payment of the purchase money, both principal and interest, together with patent fees, and upon satisfactory proof that all taxes have been paid upon such land, and that such land has been occupied for three years by said applicant or his vendee, after the date of his application; provided, that the provisions of this act shall not in any manner disturb the vested rights of those claiming an adverse claim or title by reason of settlement and application to purchase as against the purchaser to whom the same was awarded by the Commissioner of the General Land Office; and provided, further, that all persons claiming, by reason of settlement and application, to purchase an adverse title or rights to such land as against the purchaser to whom the same is awarded by the Commissioner of the General Land Office shall begin his suit to recover such land within six months after this act takes effect and not thereafter.

. . . . .

Approved May 27, 1899.

**F. C. C. S. B. for S. H. B. No. 111; Ch. 156, p. 274-275; G. 11, p. 310-311**

An Act making appropriations for the support of the State government for the two years beginning March 1, 1899, and ending February 28, 1901, and for other purposes.

#### STATE UNIVERSITY

For the support and maintenance of the University of Texas, including such repairs and improvements and extension as the Board of Regents may deem necessary, all the available fund, including under this head the interest from its land notes, from its bonds, the income from its leases, and the fees from its students, to be under the control of the Board of Regents, less the appropriation made for the Agricultural and Mechanical College; all yearly fees collected from the students in the academic department, to be fixed by the regents at \$10 per annum for three years only, with such laboratory fees as the regents shall fix, and \$30 admission fee from each student in the law department, to be paid but once.

To supplement the available fund for the support and maintenance of the Main University, from the general revenue.....\$40,000    \$40,000

**MEDICAL DEPARTMENT, GALVESTON**

Fees from students, and from general revenue..\$35,000\*\$35,000\*

[\*Engrossed bill has \$35,500    \$35,500.]

To be a charge against the appropriations above made out of the general revenue, the Board of Regents shall charge each student in medicine and pharmacy a matriculation fee of not less than \$30.00, payable annually, in advance, also a fee of \$5.00 annually, in advance, for each laboratory attended to cover the costs of material used; the proceeds of the above fees shall be charged against the appropriations made for the payment of salaries of professors and employes and for current expenses, and the aggregate amount appropriated for such purposes shall be drawn, less the amount of the fees received and here appropriated.

**AGRICULTURAL AND MECHANICAL COLLEGE**

Out of the University Fund. ....\$    500    \$    500

[The appropriations for the A. & M. College are subject to the same proviso as in Ch. 98, General Laws, 23rd Leg., Regular Session.]

Approved May 27, 1899.

**S. B. No. 278. Ch. 171, pp. 307-309; G. 11, pp. 343-345**

An Act for the better preservation of all the personal property belonging to the State of Texas, or in which it has an interest, or of any of the departments, or of any of the institutions, asylums, penitentiaries, farms or personal property of whatsoever description, or wherever situated, belonging to this State, or in which it has an interest; and to provide for the making of lists and inventories of all said property and the copying of the same, and the registration thereof; and to prescribe the duties of officers and persons having said property under their control, and to fix the liability of such persons and officers; and to provide a penalty for the failure to comply with this act; and to fix the venue for suits and prosecutions for a violation of any of its provisions.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. That on and after the taking effect of this act, it shall be the duty of every official or other person, who has in his possession or under his control, or for which he is in anywise responsible, any personal property belonging to the State of Texas, or in which it has an interest, to immediately make out in triplicate

a correct and full list and inventory of all such personal property which is or was in his possession when he assumed charge of such office or position, or had under his control, or for which he is in any way responsible, and which inventory shall contain the name of the article or articles of such personal property, the cost thereof, a fair and reasonable estimate of the present value thereof, a statement of the present condition of the same, how long said property has been in use, and the extent of the probable service, use and benefit that such property will be to the State in future; and if sold during his term of office, or while in his possession, or under his control, he shall state the selling price thereof; and the disposition of the proceeds.

SEC. 2. A copy of said list and inventory duly sworn to, shall be by such person charged with keeping said property, or who has the same under his control, management, or who is responsible for the same, transmitted by him by registered letter to the Secretary of State at Austin, Texas, whose duty it shall be to enter such list and inventory on a book to be kept by him for the purpose under its appropriate heading, and said Secretary of State is hereby authorized to purchase such book or books as shall be necessary to record all such lists and inventories so made to him, and he shall be responsible for the correct entry of all said articles in such books or books, and shall be responsible for the safe keeping of the original sworn report from each of the persons named in this act, including the Governor of this State, Comptroller of Public Accounts, Treasurer, Attorney-General, Adjutant General, Commissioner of Insurance, Statistics and History, Superintendent of Public Buildings and Grounds, the Commissioner of the General Land Office, Chief Justice of the Supreme Court, Court of Criminal Appeals, and the several Courts of Civil Appeals, and the clerks thereof, the managers of each and every asylum in the State of Texas, superintendents and assistant superintendents of the penitentiaries and reformatories, superintendents and managers of the University, and the several branches thereof, Normal Schools, all the officers and employes of either branch of the Legislature having personal property belonging to the State in their possession, and each and every other person holding any personal property in trust for the State of Texas, or having the same under his control, or in his possession, and each and every other person holding any personal property in trust for the State of Texas, or for which he is in any wise responsible, all of whom are included in this act and subject to its provisions. A duplicate of said list and inventory, so sent to the Secretary of State, shall be forwarded to the Comptroller of Public Accounts, who shall carefully preserve the same in his office, and it is made the duty of the person so making out the list to retain in

his possession for his successor in office a true copy thereof, and whose duty it shall be to deliver same to such successor within three day after his qualification and assuming charge of such position, office or agency.

SEC. 3. Upon qualification at the beginning of the terms of office of any of the persons named herein after the next general election and after each succeeding general election, and within thirty days after taking charge of any personal property as herein named, it shall likewise be his duty to make said report as herein required of the officers now holding any of said positions, and to forward same to the officers herein named, who shall receive them and who shall continue to keep the registration of said reports, lists and inventories, as herein required of the Secretary of State, under the foregoing section hereof, and who shall, when said lists are received, make comparisons with former reports and note all articles of property not included in former lists or which were included in former lists, but are not in the list last filed, and shall designate all such articles which are either dropped from or added to those of former lists and inventories.

SEC. 4. Every person herein named or referred to, in charge of any public institution of Texas, or having under his control any personal property belonging to the State of Texas, is hereby made responsible for the same and the full value thereof; and all persons hereafter coming into any of the offices or positions herein enumerated shall at once become and shall remain responsible for the preservation and safe keeping of all personal property herein named or referred to, whether such persons be under official bonds or not, and all official bonds made by any of the persons herein named or referred to, shall be intended as security to the State of Texas for the full value of all such personal property in any such institution or department, or otherwise belonging to the State over which such person is in control, or for which he is by this act made responsible.

SEC. 5. Hereafter, when any of the officers named in this act, or who are hereby referred to and required to take chage of any of the properties of the State, shall take charge of same, they shall require their predecessors in such positions, whose duty it is hereby made to furnish same, to make out for them a full list and inventory as above mentioned, of all properties in their possession or under their control and management, or for which they are in any wise responsible, belonging to the State of Texas, and such outgoing and incoming officers shall together check up said list and inventory and ascertain that the same and each article in said list named is then on hand or duly accounted for. Said incoming officer shall give his receipt to his said predecessor in office for all of such property before



he shall be entitled to possession of same, and said receipt shall be by him delivered to said Secretary of State for registration in his office, and a copy of the same shall be likewise delivered to the Comptroller of Public Accounts for preservation in his office.

SEC. 6. Should any of the officers, persons, or employes named in this act fail to make out said list and inventory, or fail to perform any of the duties herein required of him, he shall become immediately responsible to the State of Texas for the value of any and all articles of furniture, implements, goods, wares, merchandise, live stock and all other personal property which has come into his hands or for which he may be responsible, and be subject to suit in the name of the State of Texas for the value of the same, and should he fail to do or perform any of the acts and things required of him by this act, he shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined in a sum not less than one hundred nor more than five hundred dollars; and for each thirty days that he fails to comply with the provisions of this act in any respect shall be considered a separate offense. The jurisdiction of all suits or prosecutions under this act shall be either in the county court of Travis, or in the county where such officer shall reside at the time of the institution of said suit or prosecution, or where such property may be situated.

SEC. 7. This act is not intended to repeal any law now in force for the preservation and protection of any State property, but is cumulative thereof, and all said laws are hereby kept in full force and effect where the same do not specifically conflict with this act.

Approved June 5, 1899.

H. C. R. 26; p. 336; G. 11, p. 372

Whereas, the People of Texas are pledged by constitutional provision to establish a University for the colored race whenever it is practicable; and,

Whereas, The democratic party has acknowledged the necessity for said university through its platform adopted at Fort Worth, 1896; and,

Whereas, the democratic party in the Twenty-fifth Legislature carried out in good faith the demands of said Fort Worth platform by appropriating and setting apart one hundred thousand acres of the public domain for the establishment of said university for the colored race; and

Whereas, The Supreme Court of Texas has nullified the action of the Legislature setting apart said lands by its decision in declaring that Texas has no public domain unappropriated; and

Whereas, The democratic party made this demand in good faith in appropriating and setting apart said land, and the Twenty-fifth Legislature acted in good faith by setting apart and appropriating said land; and

Whereas, The Legislature is prohibited by the Constitution (Article 7, Section 14), from levying any tax or making any appropriation of the general revenues to establish said university; therefore, be it

Resolved by the House of Representatives, the Senate concurring, that it is the duty of the State, as well as the expressed will of the democratic party, to faithfully carry out this obligation, which was voluntarily taken by our party, in convention assembled.

Resolved, further, That so soon as the commission appointed to investigate and ascertain the exact status of the public domain and of the public free school lands of Texas shall make report to the Governor the amount of said land still belonging to the State, that steps shall be taken to establish said university for the colored race, either by appropriating public domain, if there is any public domain, or by appropriating lands regained to the State from railway corporations that have refused to comply with their charter grants or to obey the laws of Texas.

Approved June 5, 1889.

## **TWENTY-SIXTH LEGISLATURE, CALLED SESSION, JANUARY 23, TO FEBRUARY 21, 1900**

### **MESSAGE OF GOVERNOR J. D. SAYERS**

February 7, 1900; H. J., p. 96; S. J., p. 61

The following subjects are submitted to the Legislature for its consideration . . . .

Second: To fix the tenure of office for the members of the Board of Regents for the State University and of the Board of Directors of the A. and M. College.

### **PROCEEDINGS IN THE LEGISLATURE**

February 9, 1900; H. J., p. 121

Mr. Henderson of Lamar offered the following resolution:

*Whereas*, A recent decision of the Supreme Court of Texas has called in question the constitutional and legal status of the Board of Regents of the University of Texas, and brings directly to the attention of this Legislature and the people at large the present administration of the said institution under the existing methods of appointing said Board of Regents; and

*Whereas*, It is desirable that the administration of the University of the State should be brought into close and sympathetic

contact with the great mass of people whose institution it is, and upon whom it depends for its patronage and support, in order that its affairs shall be conducted in the interest of the whole population of the State and along lines conducive to the great principles and policies of democratic government; therefore, be it

*Resolved*, That it is the sense of this House that the Regents of the University of Texas should be elected by direct popular vote, under such regulations as to length of service, qualifications and other features of the office as may be deemed wise and consistent with the success of the institution itself and the direct control of its affairs by the people of Texas, that being the approved and efficient system now in force in the election of the Regents of a number of the greatest State Universities in America; and we commend to the people of the State the consideration of this matter as one that ought to receive their early and intelligent action by proper expression and appropriate action.

Signed: Henderson of Lamar, Bailey, Garner, McKamy, McClellan, Morrow, Lane, Willacy, Shannon, Shropshire, Gordon, Teagle, Savage.

The resolution was read and, under the rules, goes over one day.

[Died.]

S. B. 6—By Mr. Dibrell.

A bill to be entitled "An Act making appropriation for deficiencies in the appropriations, etc.

Became a law. S. J. p. 144; H. J. p. 303.

S. B. 10—By Mr. Greer.

To authorize the sale of certain portions of the public free school, University and asylum lands to railroad companies for depots, stations, etc., the Commissioner of the General Land Office fixing the prices.

Became a law. S. J. p. 144; H. J. p. 303.

## GENERAL LAWS

S. B. 6; Ch. 8, p. 24; G. 11, p. 648

An Act making appropriation for deficiencies in the appropriation heretofore made for the payment of expenses in support of the State government from March 1, 1899, to February 28, 1901, being for claims registered in the Comptroller's office in accordance with law, and for outstanding claims not registered, and for other deficiencies, and for other purposes.

STATE UNIVERSITY, MEDICAL BRANCH, GALVESTON

Out of general revenue for support and maintenance for two years ending February 28, 1901. . . . . \$6,000

For support and maintenance in addition to the appropriation from general revenue the fees collected from students for the two years ending February 28, 1901.

Approved February 22, 1900.

**S. B. 10; Ch. 9, p. 26; G. 11, p. 650**

An Act authorizing the sale of certain portions of the public free school, university and asylum lands to railroad companies owning and operating railroads in this State, for the establishment of depots, stations, yards, round houses, shops, divisional terminals or waterstations required in connection with the operation of such railroads; to prescribe the terms and conditions of such sales and to authorize the Commissioner of the General Land Office to fix the price of such lands, when so sold for such purposes.

[Little or no University land sold under this law, which is therefore omitted.]

Approved February 22, 1900.

**TWENTY-SEVENTH LEGISLATURE, REGULAR SESSION,  
JANUARY 8, TO APRIL 9, 1901**

**MESSAGE OF GOVERNOR J. D. SAYERS**

**January 10, 1901; H. J. pp. 25-26; S. J. p. 20**

**THE UNIVERSITY**

The number of students in attendance at the University on December 1, 1900, was 750—being an increase of 213 over December 1, 1898, and of 306 over December 1, 1896.

The salary roll includes eighty-one persons and calls for an expenditure of \$98,583.34.

Upon the rolls are seventeen professors, three associate professors, five adjunct professors, twelve instructors, and seven tutors—forty-four in all—whose salaries aggregate \$76,050.

At the medical department there are nine professors, four demonstrators and one instructor whose salaries aggregate \$31,500, and six officials and employes whose salaries amount to \$5,626.66. In addition there are six professors who receive no salary. The number of students in attendance for the year 1900-1901 is 191, as against 222 in 1899-1900. The decrease is, it is believed, because of the storm that visited Galveston and other portions of the coast in



September last and which greatly injured the buildings, fixtures, apparatus, and supplies belonging to the department. The injury should be repaired and the department restored as soon as practicable to its former condition.

It is, indeed, gratifying to observe the large number of counties represented by the students at the University and that the territory from which it draws its constantly increasing numbers is not limited to our State.

Its steady growth is a sure indication that confidence in the ability of the institution to meet every requirement is general not only among our own people, but extends to other States as well.

In due season it will undoubtedly secure the recognition throughout the United States and in Europe that its own inherent strength of character and high ambition richly merits.

It is more gratifying still to know that it stands in the world of literature and science the representative of a true democracy and that within its student-ship is embraced all classes of society.

The fact that one-third of the students support themselves with money previously earned or by labor performed while pursuing their studies reflects high honor on the students and on the University also.

#### PROCEEDINGS IN THE LEGISLATURE

H. B. 31—By Mr. Schluter.

Six months appropriation bill: Main University, \$30,000; Medical, \$22,500; George W. Brackenridge refunded \$12,725; Storm, \$40,338.

Became a law as F. C. C. S. H. J. p. 1339; S. J. p. 1002.

H. B. 40—By Mr. Schluter.

General Appropriation Bill.

Died in Committee. H. J. p. 1349.

H. B. 135—By Messrs. Moore and McInnis.

To provide for a mineral survey of Texas.

Became a law. H. J. p. 1352; S. J. p. 1005.

H. B. 143—By Mr. Neff.

To amend the law relating to teachers' permanent certificates.

Vetoed by Governor. H. J. p. 1353; S. J. p. 1006.

H. B. 372—By Mr. Moore.

To reserve certain rights to discoveries of minerals and oils on public lands (including University.)

Died in Free Conference Committee. H. J., p. 1361; S. J., p. 1016.

H. J. R. 15—By Mr. Terrell of Cherokee.

To amend Section 14, Article 7, of the Constitution to provide for the levy of a University tax by the Legislature not to exceed two cents on the \$100.

Adversely reported. H. J. p. 1369.

S. B. 71—By Mr. Yett, amended by Mr. Dibrell.

To give the Regents exclusive control of all mineral lands belonging to the University.

Became a law. S. J. p. 989; H. J. p. 1400.

S. B. 72—By Mr. Lipscomb.

To provide for a mineral survey of the State of Texas.

Reported engrossed (no further action); S. J. p. 963.

S. B. 82—By Mr. Staples.

To amend bill relating to issuance of first grade teachers' certificates.

Died in House. S. J. p. 898; H. J. p. 1400.

S. B. 87—By Mr. Dibrell.

Appropriation Bill. For Main University \$94,405.76 and \$93,341.77; Medical, \$45,000 each year. For Medical storm repairs, \$40,000.

Died in House. S. J. p. 989; H. J. p. 1400.

S. B. 106—By Mr. Dibrell.

Appropriation—deficiency—six months—bill.

Died on calendar. S. J. p. 951.

S. B. 227—By Mr. James.

To prevent students in attendance upon incorporated colleges from contracting debts.

Died in Committee. S. J. p. 961.

S. B. 242—By Mr. Goss.

To provide for the sale and lease of public school and asylum lands.

Died in House. S. J. p. 953; H. J. p. 1402.

S. J. R. 6—By Mr. Savage.

To provide for elective Regents for University and Directors for A. & M.

Died on calendar. S. J. p. 993.

**February 26, 1901; H. J., pp. 514-523**

Report of Special Committee Appointed to visit the University of Texas and Medical Branch.

Report signed by McAnnally, Neff, Lively, and McKnight. A systematic, detailed, and laudatory account of the University.

### **GENERAL LAWS**

**H. B. 135; Ch. 28, pp. 32-33; G. 11, pp. 736-737**

An Act to provide for a mineral survey of the lands belonging to the public schools, University and asylums or of the State, and to make appropriation therefor; and to provide a penalty for unlawfully disclosing information obtained by such survey; and

to loan and authorize the removal to the University of the geological and scientific equipments, collections, specimens and publications now in charge of the Commissioner of Agriculture, Insurance, Statistics and History; and also declaring an emergency.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* The Board of Regents of the University of Texas are authorized and directed as soon as practicable to have made a mineral survey of all the lands belonging to the public schools, University, asylums, or of the State.

SEC. 2. Said Board shall employ for that purpose persons skilled in and who have had at least five years experience in the science of mineralogy, geology and chemistry, who shall conduct said survey under the direction of said board.

SEC. 3. Said board shall publish annually for free distribution among the people of the State all practical information collected in the prosecution of said survey as the same progresses; but the information obtained by a survey of the public school, university, asylum or State lands shall not be communicated by said board or by the person or persons making said survey to any person whomsoever until said information is published for the benefit of the general public; and anyone violating this provision shall, upon conviction, be fined in any sum not exceeding one thousand dollars, or by imprisonment not to exceed two years in jail.

SEC. 4. In connection with the work of said survey provision shall be made for assays, analyses and other scientific examinations of specimens of mineral substances found in the State, and for the collection and distribution of statistics relating to the mineral production of the State, and such assays, analyses and examinations shall be made at the request of any citizen of the State, and a certificate thereof given, and a uniform and reasonable charge shall be fixed by said board for such assays and analyses. It is especially provided, however, that assays and analyses of mineral specimens found upon any of the public lands of the State shall be made free of charge when requested by the Governor or by the Commissioner of the General Land Office.

SEC. 5. In connection with said survey, said board shall make provision for instruction in the University of Texas, in practical economic and field geology and mineralogy, and shall have prepared and transmitted to the A. and M. College, for educational purposes, duplicate specimens of all mineral and other substances obtained from the survey.

SEC. 6. The geological and scientific equipments, collections, specimens and publications now in charge of the Commissioner of Agriculture, Insurance, Statistics and History are hereby loaned to said board until such time as the State may desire to otherwise use

them, and their removal to the University of Texas is hereby authorized.

SEC. 7. For the purpose of carrying out the provisions of this act the sum of ten thousand dollars per annum for two years or so much thereof as may be necessary is hereby appropriated out of the general revenue of the State; provided, that said mineral survey of the State shall be completed within two years.

SEC. 8. All laws and parts of laws in conflict with the provisions of this act are hereby repealed.

Approved March 28, 1901.

F. C. C. S. for S. H. B. 31; Ch. 85; p. 232; G. 11, p. 936

An Act making appropriations for the State government for six months beginning March 1st, 1901, and ending August 31st, 1901, and for other purposes.

## UNIVERSITY OF TEXAS

### *Main University at Austin*

For the maintenance, support and direction of the University of Texas, including repairs, extensions, improvements and buildings for the six months, beginning March 1, 1901, and ending August 31, 1901, all the available University funds, including interest from its bonds, and land notes and income from its land leases, and all fees collected from students, and all other receipts and revenues of the University.

For the maintenance, support and direction of the University for the six months beginning March 1, 1901, and ending August 31, 1901, from the general revenue. . . . . \$30,000.00

### *Medical Branch of Galveston*

For the maintenance, support and direction for six months beginning March 1, 1901, and ending August 31, 1901, all fees collected from students and all other receipts and revenues, and in addition thereto from the general revenue. . . . . \$22,500.00

For refunding to George W. Brackenridge money advanced for making temporary repairs at medical college. . . . . \$12,725.00

For restoring, reforming, repairing, and improving buildings and grounds of medical college, Sealy Hospital and University Hall, and for the repair and purchase of equipment, furniture and supplies therefor,



from the general revenue, provided this appropriation  
shall not lapse at the end of six months..... \$40,338.00

[The appropriations for the A. & M. College are subject to the same proviso as in Chapter 98, General Laws, Twenty-third Legislature, Regular Session.]

Approved April 12, 1901.

**S. B. 71; Ch. 102, p. 266; G. 11, p. 970**

An Act to give the Board of Regents of the University of Texas exclusive control, management and disposition of all mineral lands belonging to the University of Texas.

SECTION 1. That the Board of Regents of the University of Texas are hereby vested with the sole and exclusive management and control of all mineral lands within the domain which has been or may hereafter be appropriated, set aside or acquired by the University of Texas and said Board of Regents are hereby empowered and authorized to sell, lease, manage and control said mineral lands belonging to said University as may seem best to them for the interest of the University and they are further empowered with authority to explore and have explored and develop said mineral lands and to make any contract with any persons whomsoever for the exploration and development of said mineral lands and pay the expenses for such exploration or development out of the proceeds of the lease or sale of said land.

SEC. 2. That all laws and parts of laws in conflict with this act are hereby repealed.

Approved April 17, 1901.

## **TWENTY-SEVENTH LEGISLATURE, FIRST CALLED SESSION, AUGUST 6 TO SEPTEMBER 4, 1901**

H. B. 8—By Mr. Murray.

General appropriation bill.

Died in Committee. H. J. p. 294.

S. B. 3—By Committee.

Appropriation bill. Main University \$105,000 each year; Medical \$45,000 each year; Heating plant, University Hall, Main \$3,564 first year.

(Free Conf. Com. Reps. \$125,000 and \$50,000, \$40,000 and \$40,000)

S. J. p. 42, 74, 160; H. J. p. 311.

August 9, 1901; S. J. p. 15; H. J. p. 34

Brenham Fortnightly Club urges appropriation of \$50,000 to erect the Woman's Building.

September 26, 1901; S. J. pp. 36, 120

The medical students petition for an increased appropriation for the Medical Department.

## **TWENTY-SEVENTH LEGISLATURE, SECOND CALLED SESSION, SEPTEMBER 5 TO OCTOBER 1, 1901**

### **PROCEEDINGS IN THE LEGISLATURE**

H. B. 1—By Mr. Schluter.

General appropriation bill—Main University, \$125,000 and \$50,000; Medical \$40,000 each year.

Became a law as F. C. C. S. for H. B. H. J. p. 297; S. J. p. 112.

September 24, 1901; H. J. p. 96

Tie vote, 44 to 44, broken by Speaker Prince in favor of the appropriation which resulted in the Woman's Building.

September 30, 1901; H. J. p. 139

Letter from Miss Ney approving the name of Oran M. Roberts Hall for the Woman's Building, September 27, 1901. Tells of an incident of Governor Robert's successful disapproval of a faculty resolution to close the doors of the University to girls.

### **GENERAL LAWS**

F. C. C. S. for H. B. 1; Ch. 4, pp. 11, 18; G. 11, pp. 1309, 1316

An Act making appropriation for the support of the State government for the two years beginning September 1, 1901, and ending August 31, 1903, and for other purposes.

To refund to purchasers or lessees of public domain, public school, University or Asylum lands, or to their vendees or assignees, the money paid by them into the State treasury, or to the Attorney General, in accordance with the laws of this State where it is shown by certificate of the Commissioner of the General Land Office that title cannot issue or possession pass because of conflict, sales out of lands leased, erroneous sales, erroneous leases and other causes, where a patent has been canceled by a decree of court or by the Land Commissioner, or to be paid out

of the respective funds to which said payments were credited, said claims to be approved by the Attorney General as to whether claims come under the provisions of this act, and as to correctness of claims and to whom due; provided, that the money paid by any purchaser or lessee shall be refunded to the vendee or assignee of such purchaser or lessee in case of sale of the land by the purchaser or assignment of the lease by the lessee after payment of such money, so that the money be paid to the person upon whom the loss falls in case of failure of title or right of possession.....\$25,000

UNIVERSITY OF TEXAS

For the maintenance, support and direction of the University of Texas, including repairs, extensions, improvements and buildings for the next two years, beginning September 1, 1901, and ending August 31, 1903, all the available University funds, including interest from its bonds and land notes, and income from its land leases, and all fees collected from students, and all other receipts and revenues of the University.

Provided, that if a dormitory for girls is erected, it shall be known as the "Oran M. Roberts Memorial Hall."

For the maintenance, support and direction of the University of Texas for the two years beginning September 1, 1901, and ending August 31, 1903, from the general revenue, provided such appropriation shall not lapse August 31, 1902. . . . . \$125,000.00    \$ 50,000.00

Medical Branch at Galveston

For maintenance, support and direction for the two years beginning September 1, 1901, and ending August 31, 1903, all fees collected from students and all other receipts and revenues, and in addition thereto from the general revenue. . . . . \$ 40,000.00    \$ 40,000.00

[The appropriations for the A. and M. College are subject to substantially the same provisos as in Chapter 98, General Laws, Twenty-third Legislature, Regular Session.]

Approved October 2, 1901.

**TWENTY-EIGHTH LEGISLATURE, REGULAR SESSION,  
JANUARY 13 TO APRIL 1, 1903****MESSAGE OF GOVERNOR J. D. SAYERS**

January 16, 1903; H. J. pp. 54, 55, 56; S. J. pp. 25-26, 27

**THE UNIVERSITY**

The student body at this institution in 1898-1899 numbered 800, and in 1901-02, 1378—a gain of 578. This large and continuing growth, year by year, raised a very serious question. Under present conditions, it is with exceeding difficulty that such an attendance can be accommodated with the instruction that should be given.

Additional grounds, buildings and equipment are necessary in order to relieve the embarrassment, which cannot be prolonged without detriment to the institution. Though none will record themselves as favoring a policy of inactivity or retrogression—either of which would be fatal—yet, unfortunately, there are those who hesitate to adopt the only feasible plan, in the circumstances of the present, by which the situation can be relieved and the University continued on its course of progress and development. No practical method can be devised to raise the necessary funds, if the Legislature shall not appropriate annually more than heretofore for maintenance. I, therefore, recommend a sufficient appropriation for that purpose, during each of the next two fiscal years, to enable the Board of Regents to inaugurate and maintain, through the revenue arising from the permanent fund, a gradual and uninterrupted enlargement in improvements and property, responsive to the needs of the University; and that authority, if necessary, be granted to the Board to use, within its discretion, the revenue accruing from the permanent fund. If this be done, its future progress will undoubtedly be greater than in the past, with corresponding benefit to the people. It has shown itself worthy the most favorable consideration by the State; its record gives certain promise of a usefulness unsurpassed in the history of kindred institutions, elsewhere. By the Act of March 28, 1901, the University was authorized to make a mineral survey of the public lands, and under it much valuable work was done, though the appropriation of \$10,000 per annum was altogether too small for the purpose. In view of the fact that this policy has been attended with good results, it is believed that the survey should be extended to all the lands without exception, and that in consequence a larger appropriation should be made—especially as the United States Geological Survey will co-operate, expending a like amount of money. There should also be further legislation as to the classi-



fication and sale of the mineral lands. The importance of this movement cannot be overestimated, and it is recommended that the matter be most carefully considered, so that their survey, classification and sale may be under the sanction of law and by the most advisable method.

In this connection, I have to inform the Legislature that the Director of the United States Geological Survey advises that its employes have been frequently embarrassed in the prosecution of their field surveys by individuals refusing to permit them upon their property. With the view of obviating this difficulty and to secure a complete and accurate survey as early as may be practicable, he asks for legislation making it lawful for the persons so employed to enter upon the lands within the State—such legislation, however, not to be construed as authorizing any unnecessary interference with private rights. The recommendation of the Director is approved, it being quite important to the State that the survey shall be completed without unnecessary delay.

Authority should be given the Board of Regents to invest the money credits to the permanent fund of the University in the treasury, so that the same may be interest bearing. Such power is conferred upon the State Board of Education over the permanent free school fund, and no sound reason can be urged why it should be withheld from the Board of Regents. It is of much importance to the educational system of the State that the relations between the different institutions, including the graded and common free schools, should be clearly and carefully defined, and that the sphere of each should be so accurately determined by law as to prevent the duplication of the authorized work of any institution or class of schools. In this way only can a harmonious system, without unnecessary expense, be established and maintained.

. . . . .

I do not believe that a wiser step, or one that will insure better and more substantial results, can be taken as to the University and the Agricultural and Mechanical School by the Legislature and the people than to make permanent provision, through a self-executing constitutional amendment levying a small annual tax, for their maintenance and development. The effect will be to eliminate these institutions from the biennial appropriation bills, and to insure them certain and increasing incomes. Until this shall be done, they will go limping along at half-starved speed. . . . .

#### PROCEEDINGS IN THE LEGISLATURE

H. B. 11—By Mr. Brown.

To extend the time of validity of certain teachers' certificates.

Became a law. H. J. p. 1278; S. J. p. 1066.

H. B. 311—By Mr. Boyd.

General appropriation bill.

Died on Speaker's table. H. J. p. 1288.

H. B. 401—By Mr. Budgers.

To provide for a mineral survey of the public lands.

Died on Speaker's table. H. J. p. 1290.

H. B. 473—By Mr. Bolen.

To exempt holders of certain University of Texas degrees and diplomas from examination for the first grade teachers' certificate.

Adversely reported. [Opposed by Regents.] H. J. p. 1293.

H. B. 484—By Mr. Hudson, et al.

To provide for the annual inspection of military schools.

Favorably reported. Died on Speaker's table. H. J. p. 1293.

S. B. 47—By Mr. Hill.

To limit the time within which persons claiming the right to purchase or lease public free school, University or asylum lands may bring suit.

Adverse minority reported. Adopted. S. J. p. 1040.

S. B. 56—By Mr. Davidson of Galveston.

To amend the law relating to licenses to practice law.

Became a law. S. J. p. 1020; H. J. p. 1338.

S. B. 131—By Mr. Hill.

To authorize the sale of portions of free school, University and asylum lands to railroads, for depots, yards, shops, etc.

Became a law. S. J. p. 1041; H. J. p. 1339.

S. B. 203—By Mr. Hill.

To provide for a mineral survey of the public lands (including University) and other mineral lands and to penalize disclosing unlawfully information obtained by such survey.

Became a law. S. J. p. 1042; H. J. p. 1340.

January 16, 1903; H. J. pp. 71-72; S. J. p. 43

Letters received from Wm. L. Prather and Chas. B. Winn, stating that 4,000,000 gallons of water and 18,000 watts for light and power were used in 1902, estimating future needs at 20,000,000 gallons and 30,000 watts.

### GENERAL LAWS

S. B. 56; Ch. 42, p. 59; G. 12, p. 59

An Act to provide for and regulate the granting of licenses to practice as attorney and counselor at law in all the courts of the State of Texas, and to repeal all laws and parts of laws in conflict therewith.

. . . . .

SEC. 7. All persons shall be subject to this act, whether or not they hold a diploma from the Law Department of the State Univer-

sity, and all laws and parts of laws in conflict herewith are hereby repealed.

Approved March 19, 1903.

**S. B. 131; Ch. 97, p. 127; G. 12, p. 59**

An Act authorizing the sale of certain portions of the Public free school, University and asylum lands, to railroad companies owning, operation or constructing railroads in this State, for the location and establishment of town sites, depots, stations, yards and round houses, shops, divisional terminals, or water stations; and to prescribe the terms and conditions of such sales, to authorize the Commissioner of the General Land Office or Board of Regents of the State University, as the case may be, to fix the price of such lands when sold for such purposes.

[No University lands have been sold under the provisions of this act, the text of which is therefore omitted.]

**S. B. 203; Ch. 144, p. 234; G. 12, p. 266**

An Act to provide for a mineral survey of the land belonging to the public schools, University, asylums or of the State and other mineral lands within the State, and to make appropriation therefor, and to provide a penalty for unlawfully disclosing information obtained by such survey; and also declaring an emergency.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. The Board of Regents of the University of Texas are authorized and directed as soon as practicable to have made a mineral survey of all the lands belonging to the public schools, University, asylums, or to the State and other mineral lands within the State.

SEC. 2. Said board shall employ for that purpose persons skilled and who have had at least five years of practical experience in the science of mineralogy, geology or chemistry, and who shall conduct said survey under the direction of said board.

SEC. 3. Said board shall publish at least once annually for free distribution among the people of the State all practical information collected in the prosecution of said survey as the same progresses; but the information obtained by a survey of the public school, University, asylum or State lands shall not be communicated by said board or by the person or persons making said survey, to any person whomsoever until said information is published for the benefit of the general public; and anyone violating this provision shall upon conviction, be fined in any sum not exceeding one thousand dollars, or by imprisonment not to exceed two years in jail.

But it is expressly provided, that said information shall be communicated to the Commissioner of the General Land Office for his guidance in the disposition of mineral bearing lands.

SEC. 4. In connection with the work of said survey provision shall be made by said board for assays, analyses, and other scientific examinations of specimens of mineral substances found in the State, and for the collection and distribution of statistics relating to the mineral production of the State; and such assays, analyses and examinations shall be made at the request of any citizen of the State, and a certificate thereof given, and a uniform and reasonable charge shall be fixed by said board for such assays and analyses. It is specially provided, however, that assays and analyses of mineral substances found in or upon any of the public lands of the State shall be made free of charge when requested by the Governor or by the Commissioner of the General Land Office.

SEC. 5. In connection with said survey, said board shall make provision for instruction in the University of Texas, in practical economic and field geology and mineralogy and shall have prepared and transmitted to the A. & M. College, for educational purposes, duplicate specimens of all mineral and other substances obtained from the survey.

SEC. 6. In connection with said survey and for distribution among the citizens of this State, said board shall cause to be made and published, in whole or in part, a geological map of the State of Texas, to the end that the exact location of mineral deposits may be correctly set forth.

SEC. 7. Said board of regents is hereby authorized and empowered to lend to the Texas World's Fair Commission, for exhibition at the Louisiana Purchase Exposition, to be held at the City of St. Louis, 1904, such collections of mineral substances as may now or hereafter be at the University of Texas; provided, that all the expenses incurred in the removal of said collection to and from St. Louis shall be borne by said Commission, and provided, that such collection with all additions thereto shall be returned to the University.

SEC. 8. For the purpose of carrying out the provisions of this Act, the sum of fifteen thousand dollars per annum for two years, beginning March 28, 1903, and ending March 28, 1905, or so much thereof as may be necessary is hereby appropriated from the general revenue.

SEC. 9. All laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

SEC. 10. Whereas, the mineral survey that has been carried on for the last two years under the provisions of H. B. 135, Twenty-seventh Legislature, has been of great value to the State in calling attention to its mineral wealth; and whereas, said survey should



be continued without interruption; therefore, it is declared that an emergency has been created

. . . . .

Became a law April 11, 1903, without the signature of the Governor.

## **TWENTY-EIGHTH LEGISLATURE, FIRST CALLED SESSION, APRIL 2 TO MAY 1, 1903**

### **PROCEEDINGS IN THE LEGISLATURE**

H. B. 1—By Mr. Boyd.

Appropriation bill.

F. C. C. S. for S. H. B. 1; Main University \$125,000; Medical, \$48,006.76 each year.

Became a law as S. H. B. 1. H. J. p. 359; S. J. p. 222.

University appropriation itemized. H. J. pp. 269-272 and S. J. pp. 177-180.

S. B. 5—By Mr. Wilson.

Appropriation bill.

Superseded by S. H. B. 1. S. J. p. 220; H. J. 370.

**S. H. B. 1; Ch. 13, pp. 37, 75; G. 12, p. 380**

An Act making appropriations for the support of the State government for two years beginning September 1, 1903, and ending August 31, 1905, and for other purposes.

### *University of Texas*

[Main University Budget, itemized in detail, pp. 37-41.]

The sum of \$125,000 for the year ending August 31, 1904, and \$125,000 for the year ending August 31, 1905, is hereby appropriated out of the general revenues of the State to pay the sums of money above set forth and mentioned [budget fully itemized] and not more than \$40,148.34 out of the available University funds, including the interests from its bonds and land notes, income from its land leases and all fees collected and all other receipts and revenues of the University is hereby appropriated to pay the remainder of the sums of money above set forth and mentioned and the remainder of the University funds including the interests from its bonds and land notes and income from its land leases and all the fees collected and other receipts and revenues, is hereby appropriated to erect buildings and make such extension and improvements to the buildings of the University and for such other uses as shall be deemed best and advisable by the Board of Regents

of the State University; and provided further, that the board of regents are authorized to employ any of the teachers and other employes above mentioned at a different salary if practicable or by them deemed expedient, and also to add any additional teachers or other employes at salaries to be fixed by the board of regents; and provided further, that the board of regents may modify and adjust the items of expense as conditions demand.

*Medical Branch at Galveston*

[Budget itemized in detail, pp. 41, 42.]

And the sum of \$48,006.66 is hereby appropriated out of the general revenues of the State for the year beginning September 1, 1903, and ending August 31, 1904, and the same sum is hereby appropriated out of the general revenues for the year beginning September 1, 1904, and ending August 31, 1905, and the fees of said medical branch of the University for each of said years is hereby appropriated for each of said years to pay the above mentioned sums [budget fully itemized] of money; provided, the board of regents of the University of Texas are hereby authorized to employ any of the above named and mentioned teachers and employes at a different salary, if by them deemed best or advisable, and also to add additional teachers or other employes at salaries to be fixed by the board of regents; provided further, that the board of regents may modify and adjust the items of expense as conditions demand.

[The appropriations for the A. and M. College are subject to the same proviso as in Chapter 98, General Laws, Twenty-third Legislature, Regular Session.]

Approved May 15, 1903.

**Executive Veto [of Governor Lanham] on General Appropriation Bill, S. H. B. 1. May 15, 1903; S. J. p. 237**

. . . . .

THE UNIVERSITY OF TEXAS

"The unusual form [apparently refers to extreme itemization in connection with what was in fact a "lump" sum appropriation] in which the appropriation for this institution is made has caused me much embarrassment. I have the assurances from the Board of Regents, upon which I am entirely willing to rely, that not exceeding \$200,000 of the amount appropriated out of the general revenue for the next two fiscal years shall be expended without the consent of the Governor. This places it within the power of the executive to prevent the expenditure of \$50,000 for the two years of the amount appropriated for the University, if the condition of

the treasury should so require. In consequence, I have not interfered with the appropriation made for the University."

[Governor Lanham subsequently (December, 1903) allowed the Regents to spend this \$50,000, and as a result the Engineering Building was erected.]

## **TWENTY-NINTH LEGISLATURE, REGULAR SESSION, JANUARY 10 TO APRIL 15, 1905**

### **MESSAGE OF GOVERNOR S. W. T. LANHAM**

**January 12, 1905: H. J. p. 50; S. J. p. 21**

The University of Texas has been in existence for twenty-one years. During this period the number of its students has increased from 221 in 1883 to 1357 in 1904; the number in its instruction force from 12 in 1883, to 84 in 1904; the number of its buildings, beginning in 1883 with the west wing of the main building at Austin, to ten buldings in Austin and Galveston in 1904, of which five have been erected by the State and five have been donated by generous citizens. It has greatly enlarged and extended its curriculum, and has conferred 1866 degrees and 54 certificates of proficiency in nursing. Of these, 856 degrees and 45 certificates of proficiency have been conferred within the past five years. The roll of its graduates now approaches 200 a year, and this number of trained men and women annually distributed among our citizenship adds greatly to the intellectual and moral forces engaged in the development and advancement of the State. It is no longer wise nor necessary for the young men and women of Texas to go beyond its borders for higher education. There has been erected and equipped an engineering building, where instruction can be given, not only in civil, but also in electrical, mining and irrigation engineering. This building is modern in design and will be in equipment, and will afford opportunity to train many engineers at home.

The area from which the patronage of the University is drawn has been extended until 151 counties in Texas and eighteen states and foreign countries are represented by its students. These students come from all the walks of life, more than fifty professions, trades and occupations being represented. Four-fifths of the whole number are native born Texans, and one-third of them have made or are making the money to pay their way while in the University.

### **PROCEEDINGS IN THE LEGISLATURE**

H. B. 62—By Mr. Hudspeth.

To provide for the purchase and lease of lands of State.

Became a law. H. J. p. 1496; S. J. p. 1242.

H. B. 68—By Mr. Witherspoon.

To regulate and provide for the medical use of unclaimed human bodies.

Died on Speaker's table. H. J. p. 1497.

H. B. 87—By Mr. Ware.

To provide for the sale of certain State lands for certain purposes.

Became a law. H. J. p. 1497; S. J. p. 1243.

H. B. 171—By Messrs. McKinney and Davis.

To exempt graduates of the Law Department from appearing before the board of legal examiners.

Died on Speaker's table. S. B. 150, same subject passed. H. J. p. 1500.

H. B. 190—By Mr. Bryan of Taylor and Mr. Carswell of Wise.

To prevent the destruction of minerals and timber of the public lands.

Became a law. H. J. p. 1501; S. J. p. 1246.

H. B. 400—By Mr. Murray.

Appropriation bill.

Died in Committee. H. J. p. 1508.

H. B. 446—By Mr. McKenzie, et al.

To create and establish a mineral survey of the public lands.

Died on Speaker's table. H. J. p. 1510.

H. B. 516—By Mr. Wilmeth.

To confer certain authority on the Land Commissioner.

Died on Speaker's table. H. J. p. 1513.

H. C. R. 23—By Mr. Winter.

To examine into the University and its departments to determine their needs.

Died on Speaker's table. H. J. p. 1519; S. J. p. 1269.

S. B. 4—By Mr. Willacy.

Appropriation bill.

Died in Committee. S. J. p. 1183.

S. B. 141—By Mr. Grinnan.

To authorize the Superintendent of Public Instruction to issue certificates to persons holding diplomas issued to them by colleges, universities, and institutions of learning in Texas.

Became a law. S. J. p. 1207; H. J. p. 1556.

[Regents did not favor this bill.]

S. B. 150—By Mr. Hicks.

To amend Section 7, chapter 42 of the Acts of the Twenty-eighth Legislature, entitled "An Act to provide for and regulate the granting of license to practice as attorney and counselor at law in all the courts of Texas, and to repeal all laws in conflict therewith."

Became a law. S. J. p. 1209; H. J. p. 1556.

S. B. 179—By Mr. Decker.

To establish a mineral survey of the public and other mineral lands within the State, to determine the underground or surface



waters, to provide a penalty for unlawfully disclosing information obtained by said survey.

Died in House. S. J. p. 1212; H. J. p. 1557.

S. B. 190—By Mr. Stone.

A bill to be entitled "An Act to amend Sections 3295, 3296, and 3303, chapter 2, Title LXVI, Revised Civil Statutes of the State of Texas."

Died in Committee. S. J. p. 1214.

S. B. 218—By Messrs. Barrett, Harbison, and Harper.

A bill to be entitled "An Act to provide for a more efficient system of public free schools in Texas; defining school funds; providing for investment of permanent fund, etc., etc.

Became a law. S. J. p. 1219; H. J. p. 1557.

S. B. 316—By Mr. Harbison.

To purchase for \$5,000 from the World's Fair Commission a certain exhibit now situated at the University.

Died in Committee. S. J. p. 1232.

## GENERAL LAWS

H. B. 62; Ch. 29, p. 35; G. 12, p. 901

An Act to prescribe a period of limitation within which any person claiming the right to purchase or lease public free school, State University or asylum lands heretofore sold or leased to others, shall bring his suit therefor.

SECTION 1. *Be it enacted by the Legislature of the State of Texas:* That hereafter all persons claiming the right to purchase or lease any public free school lands, or any lands belonging to the State University, or either of the State asylums which have been heretofore or which may be hereafter sold or leased to any other person under any provision of the law authorizing the sale or lease of any of said lands, shall bring his suit therefor within one year after this Act goes into effect, or after the date of the award of such sale or lease, if such award is made after the taking effect of this Act, and not thereafter.

SEC. 2. If no suit has been instituted by any person claiming the right to purchase or lease any of said land within the period of time limited in the first section of this Act, it shall be conclusive evidence that all the requirements of the law with reference to the sale or lease of such lands have been complied with; provided that nothing in this Act shall be construed to effect the State of Texas in any action or proceeding that may be brought by it in respect to any of said lands.

Approved March 16, 1905.

**H. B. 190; Ch. 32, p. 39; G. 12, p. 905.**

An Act to authorize and require the Attorney-General to bring suits for the value of all minerals or other property of value taken therefrom, and for all timber destroyed, used or otherwise appropriation by persons and corporations on public free school, University, asylum and other public lands of the State; to fix the venue of said suits; to require the Commissioner of the General Land Office and county attorneys to report to the Attorney-General and to fix the compensation of said officers for said services.

Approved March 22, 1905.

[No suit involving University lands seems ever to have been brought under this law, which is therefore omitted.]

**H. B. 87; Ch. 46, pp. 58-61; G. 12 pp. 924-927**

An Act to amend Sections 1, 3 and 4 of Chapter 97, page 127, Acts of the Regular Session of the Twenty-eighth Legislature, authorizing the sale of certain portions of the public free school, University and asylum lands to railroad companies owning, operating or constructing railroads in this State for the location and establishment of town sites, depots, stations, yards, round houses, shops, divisional terminals or water stations, and to prescribe the terms and conditions of such sales; to authorize the Commissioner of the General Land Office or the board of regents of the State University, as the case may be, to fix the price of such lands when sold for such purposes.

Became a law without the signature of the Governor.

[No University land was sold under this law, which is therefore omitted.]

**S. B. 150; Ch. 100, pp. 150-151; G. 12, pp. 1016-1017**

An Act to amend Section 7, Chapter 42, of the Acts of the Twenty-eighth Legislature, entitled "An Act to provide for and regulate the granting of license to practice as Attorney and Counselor at Law in all the Courts of the State of Texas, and to repeal all laws and parts of laws in conflict therewith;" approved March 19, 1903.

That Section 7, Chapter 42, of the Acts of the Twenty-eighth Legislature, entitled "An Act to provide for and regulate the granting of license to practice as Attorney and Counselor at Law in all the Courts of the State of Texas, and to repeal all laws and parts of laws in conflict therewith," be amended so as to hereafter read as follows:

Sec. 7. Any person holding a diploma from the Law Department of the University of Texas shall be entitled to a license to practice as an Attorney and Counselor at Law, in all the Courts of this State without any further examination, upon presentation to the Clerk of the Supreme Court of the State such diploma within twelve months from the issuance of the same, together with a certificate from the Commissioners Court of the County in which such person resides, showing that such person bears a good reputation for moral character and honorable deportment, that he has resided in such county for at least six months, is at least twenty-one years of age, and such other and further facts as may be required by the Supreme Court of this State; and the clerk of the Supreme Court of Texas is hereby authorized and empowered to issue said license upon payment of the fee of ten dollars, as required by law; provided, that nothing herein shall be construed to exempt the applicant for license from taking the oath required by law; and, provided further that any diploma issued by said University on a grade less than that prescribed by the Supreme Court for examinations of applicants shall not entitle the holder thereof to such license.

Approved April 15, 1905.

**S. B. 218; Ch. 124, p. 295; G. 12, p. 1161**

An Act to provide a more efficient system of public free schools.

### *College Diplomas*

SECTION 122. University diplomas and certificates given by the University of Texas to students of the school of pedagogy shall have the force and effect of State certificates, as follows:

1. Diplomas conferred by the Regents of the University of Texas on students completing some degree course and also the degree course of the school of pedagogy, shall have the force of permanent State certificates.

2. Certificates issued by the school of pedagogy to students completing the advanced course, or the special professional course, or the graduate course, shall have the force of first grade State certificates for four years.

3. Certificates issued by the school of pedagogy to students completing the junior course shall have the force of State certificates of the first grade for a period of two years.

SECTION 123. Any teacher who may hold a diploma conferring on him the degree of bachelor of arts, bachelor of science, bachelor of letters, or any higher academic degree, from any college or university of the first class, and who shall have taught for a period

of not less than three years in Texas, may receive from the State Superintendent of Public Instruction a permanent State certificate, which shall be valid anywhere in this State during good behavior. The institutions to be recognized as colleges or universities of the first class shall be determined by the State Superintendent of Public Instruction, upon the recommendation of the State Board of Examiners.

Approved April 15, 1905.

## **TWENTY-NINTH LEGISLATURE, FIRST CALLED SESSION, APRIL 15 TO MAY 14, 1905**

### **PROCEEDINGS IN THE LEGISLATURE**

H. B. 9.—By Mr. Murray.

General appropriation bill.

Died on Speaker's table. [S. B. 4 passed.] H. J. p. 360.

**May 4, 1905; H. J. pp. 110-114**

Address of Hon. E. F. Harris

It is to me now and I think it always will be to me a thought of exceeding satisfaction that in this, the last time I shall ever address the House of Representatives of Texas, I am permitted to plead the cause of the University of Texas. Though I regretfully admit that I am not one of her graduate children, yet in other climes I had the benefit of university training, and my associations with the President of the University of Texas and with many of her professors and more of her students, may warrant my taking unusual interest in her welfare and upbuilding. As you will pardon me, I hope, if even in these closing hours of this special session, I place before you something of the historical importance of the institution for which I now ask legislative aid of a reasonably generous character. In 1839 the Republic of Texas provided by act for the location of its capital, and under said act the present site of the University was dedicated as its permanent home. Fourteen days later the Congress of the Republic passed an act setting apart fifty leagues of land as an endowment for two universities, historians stating that one of these was intended for men and the other for women.

In the then wilderness of Texas, encompassed by domestic and foreign foes, driving back alike the Indian and the Mexican, busied with maintaining both individual and national life against conditions intensely adverse, President Mirabeau B. Lamar, with the courage of the warrior and the vision of the seer, had urged upon the Congress



the establishment of public education with this master thought: "Cultivated mind is the guardian genius of democracy; it is the only dictator that free men acknowledge and the only security that free men desire."

[Mr. Harris continues with an eulogy of the cultivated mind, and with an argument showing the need of education in a democracy. "The supreme expression of a state's effort to educate itself is the State University," which "had lineal descent from heroic days." "Colleges founded by private benefactors . . . simply cannot be the centers of free thought." "A free state must have its own University." . . . "It cannot go backward." . . . "Nor should the deficit deter us from making . . . liberally just appropriations. . . ."]

S. B. 4—By Mr. Willacy.

Appropriation bill.

[Refused to concur in House amendments and gave Main \$100,000 and \$80,000, Medical \$48,006.66 and \$48,006.66.]

Became a law as F. C. C. S. B. 4. S. J. p. 348; H. J. p. 367.

## GENERAL LAWS

F. C. C. S. B. 4; Ch. 9, p. 442; G. 12, p. 1308

An Act making appropriations for the support of the State Government for two years, beginning September 1, 1905, and ending August 31, 1907, and for other purposes.

To refund to purchasers or lessees of public domain, public school, University or asylum lands, or to their vendees or assignees the money paid by them, etc. etc. . . . .	\$25,000	\$25,000
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### *The University of Texas*

For the maintenance, support and direction of the University of Texas, including repairs, extensions, improvements, and buildings for the two years beginning September 1, 1905, and ending August 31, 1907, all the available University funds including interest from its bonds, land notes, endowments and donations, income from its land leases, all gifts and all fees collected, and all receipts whatsoever from any source.

For the maintenance, support and direction of the University of Texas for the two years beginning September 1, 1905, and ending August 31, 1907 from the general revenue.....

\$81,250      \$61,250

Provided, that the amounts herein appropriated for each item as stated herein and no more, shall be paid out of the general revenue for the University of Texas during the fiscal years beginning September 1, 1905, and ending August 31, 1907, and any surplus shall not be diverted from any account to any other account; and provided further, that no deficiency shall be created nor shall any deficiency warrants be issued, nor any obligations be incurred in excess of the amounts herein appropriated.

*Medical Department at Galveston*

For the maintenance, support, and direction of the Medical Branch including repairs and improvements, all interest from endowments or donations, all gifts and all fees collected from students, and all receipts whatsoever from any source, and in addition thereto from the General Revenue.....

\$49,000      \$49,000

Provided that the amounts herein appropriated for each item as stated herein, and no more shall be paid out of the general revenue for the Medical Department during the fiscal years beginning September 1, 1905, and ending August 31, 1907, and any surplus shall not be diverted from any account to any other account; and provided further, that no deficiency shall be created nor shall any warrants be issued nor obligations incurred in excess of the amounts herein appropriated.

[The appropriations for A. and M. College are subject to the same proviso as in Chapter 98, General Laws, Twenty-third Legislature, Regular Session.]

Approved May 23, 1905.

**THIRTIETH LEGISLATURE, REGULAR SESSION, JANUARY 8 TO APRIL 12, 1907**

**MESSAGE OF GOVERNOR S. W. T. LANHAM**

January 16, 1907; H. J. pp. 25-26; S. J. pp. 21-22

The methods of instruction in our schools have been greatly improved and the entire system of teaching is characterized by the spirit of progress. The number of high grade certificates issued

is increasing to a marked extent, while that of lower grades is decreasing. From the primary school to the State University, the cause of education is being promoted to a degree and crowned with a success never before witnessed in the history of the State. The attendance at the normals, the Agricultural and Mechanical College, the Girls' Industrial College and the University is larger than it has ever been, and to such an extent that in some instances it has been difficult, if not impossible, to fully accomodate the constantly increasing number of applicants for admission into these splendid institutons of learning. It will be found necessary to enlarge the capacity of some, if not all of them, in order to meet the growing demands for supplying the necessary opportunities, comforts and facilities for the worthy and ambitious youths of our State who aspire to attain the educational excellence which through our own schools can be acquired in as high degree as can be elsewhere secured. The disposition to be educated at home is constantly growing among our young people, and suitable encouragement in this direction should not be withheld. Diplomas from the University and colleges of Texas carry with them very high and creditable certifications of literary, professional and scientific attainment, equal to most and surpassing many of those of similar grades in other States of the Union. I quote the following statement from our Superintendent of Public Instruction: "During the year ending August 31, 1906, the State University and its branches, the State normal schools and the School of Industrial Arts record their greatest attendance and prosperity. The fact that there were 2,000 more students enrolled in the State institutions of higher learning during the past year than in previous years is evidence of the general acceptability of these schools to the people of Texas. This increased attendance indicates further that a greater percentage of our people is receiving higher education than ever previously received it.

The President of the University of Texas advises me that "The University is endeavoring to promote education of all grades in the State in every possible way. It seeks to sustain friendly and helpful relations towards all private institutions as well as towards all parts of the State system. It is especially interested in seeking to assist in upbuilding the public school system in the rural districts as well as in the towns and cities. It keeps in close contact with the high schools. Rapid progress is being made by the schools of the State. This is shown by the fact that they are able to secure affiliation with the University. During the last four years the number of affiliated schools has increased from 97 to 124. With a view to further assisting the cause of education in the State, the University has for some years maintained a summer session. This is intended in a considerable measure for teachers who have not had

an opportunity of attending a university during the session. The number of students taking advantage of the privileges of the summer session has increased since 1902-03 from 262 to 601. The University each year extends its facilities to a larger number of young men and young women of Texas. The total registration four years ago was 1291; during the session which closed in June, 1905, it was in all departments 1991, a gain of 700 students. There is a total enrollment for the present session of more than 2250.

#### MESSAGE OF GOVERNOR T. M. CAMPBELL

January 16, 1907; H. J. p. 124; S. J. p. 77

Anticipating your favorable action and a commendable desire to accomodate yourselves to a popular will in all things pursuant to the unmistakable demands of the Constitution, and to the end that all available information on the subject of public education may be utilized by your honorable bodies, your attention is called to the very comprehensive, interesting and instructive reports of the Superintendent of Public Instruction, of the Regents of the State University, and of the Boards of Managers of the State's several educational institutions. These reports will prove profitable to those interested in the promotion and development of our system of public education.

The importance of agricultural and industrial training can not be denied, and having this in view, and also the wisdom of more liberal education of the people and of liberal support to the common schools, the State University and all other institutions within our system of public education, the people through their last convention said "that there be provided adequate agricultural equipment and teaching force for the State normal colleges, the College of Industrial Arts for Girls and the Agricultural and Mechanical College; and that the industrial thought in the schools be encouraged by teaching the elements of agriculture and the industrial arts; that the Agricultural and Mechanical College, the College of Industrial Arts for Girls, and the State normal colleges be authorized to grant diplomas having the force of State teacher's certificates to all who complete the necessary course as graduates in the Industrial branches; we recommend that liberal support be provided for the Agricultural and Mechanical College experiment stations, the Farmers' Institute, the College of Industrial Arts for Girls and the Texas State University for the teaching and training of our youths, and the more liberal education of our citizenship." A progressive citizenship will applaud your adoption of these policies and the further you go in their enforcement the greater will be your service to the people.



## PROCEEDINGS IN THE LEGISLATURE

H. B. 117—By Mr. O'Neal.

Appropriation bill. Main University, salaries \$86,625 each year; general expenditures \$19,125 each year; schools and laboratories, \$6,750 each year; total, \$112,500 each year; Medical Department, \$58,750 each year. (See S. B. 39.)

Died on Speaker's table. H. J. p. 1703.

H. B. 565—By Mr. MacInerney, et al.

To fix the term of office of all appointees of the Governor.

Favorably reported. Died on Speaker's table. H. J. p. 1719.

H. B. 741—By Mr. Thomas of Tyler, et al.

To provide an ad valorem tax of one cent on the \$100 for the support of the University.

Died in Committee. H. J. p. 1729.

S. B. 39—By Mr. Willacy.

Appropriation bill.

	'07-'08	'08-'09
Main University. . . . .	\$ 105,500	\$ 105,500
Medical. . . . .	50,000	50,000
Med. Lab. . . . .	40,000	
Totals. . . . .	\$ 195,500	\$ 155,000

Became a law. F. C. C. S. B. 39. S. J. pp. 1273, 1274, 1365; H. J. p. 1767.

S. B. 56—By Mr. Masterson.

To promote medical science by providing for the proper use of unclaimed bodies through a medical board.

Died on calendar. S. J. p. 1367.

S. C. R. 19—By Mr. Cunningham.

To authorize the return of certain money paid erroneously into the State Treasury for University fund by a purchaser of University land. (J. I. Holland paid in \$1191.25 too soon.)

Failed. S. J. p. 1419; H. J. p. 1773

## GENERAL LAWS

F. C. C. S. for S. B. 39; Ch. 187, p. 368

An Act making appropriations for the support of the State Government for two years, beginning September 1, 1907, and ending August 31, 1909, and for other purposes, and prescribing certain regulations and restrictions in respect thereto and declaring an emergency.

*The University of Texas*

For the maintenance, support and direction of the University of Texas, including repairs, extensions, improvements and buildings for the two years beginning September 1, 1907, and ending August 31, 1909, all the available University funds, including interest from its bonds, land notes, endowments and donations, income from its land leases, all gifts and all fees collected, and all receipts whatsoever from any source.		
For the maintenance, support and direction of the University of Texas, for the two years beginning September 1, 1907, and ending August 31, 1909,		
from the general revenue.....	\$105,000.00	\$105,000.00
To be used by the faculty of the Law Department for paying expense account of law lectures before either the Junior or Senior class of the law students, to be expended in two years. ....		
	500.00	
Total. . . . .	\$105,500.00	\$105,000.00

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the University of Texas during the fiscal years beginning September 1, 1907, and ending August 31, 1909, and any surplus shall not be diverted from any account to any other account: and provided further, that no deficiency shall be created, nor shall any warrants be issued nor any obligations be incurred in excess of the amounts herein appropriated.

*Medical Department at Galveston*

For the maintenance, support and direction of the Medical Branch, including repairs and improvements and equipment, all interest from endowments or donations, all gifts and all fees collected from students and all receipts whatsoever from any source, and in addition thereto, from the general revenue. . . . .		
	\$ 50,000.00	\$ 50,000.00

To erect, complete and equip new labor- atory. . . . .	\$ 40,000.00	
Total. . . . .	\$ 90,000.00	\$ 50,000.00

Provided, etc. [as above, "Medical Department" replacing "University of Texas."]

[The appropriations for the A. and M. College are subject to the same proviso as in Chapter 98, General Laws, Twenty-third Legislature, Regular Session.]

Approved May 2, 1907, [subject to the following veto.]

**Executive Veto of T. M. Campbell, May 2, 1907, Attached to the  
Enrolled Bill in the Office of the Secretary of State**

I herewith beg to transmit for file in your office, Free Conference Committee Substitute for Senate Bill Number 39, entitled "An Act to make appropriations for the support of the State government for two years beginning September 1st, 1907, and ending August 31st, 1909, and for other purpose and prescribing certain regulations and restrictions in respect thereto, and declaring an emergency", duly signed and approved, save and except the items of appropriation enumerated in this statement to which I object for the reasons hereafter indicated:

1st. The item of \$40,000.00 to erect, complete and equip a new laboratory for the Medical Department of the State University is disapproved on account of that provision in Section 14, Article 7, of the State Constitution, which is as follows:

"No tax shall be levied and no money appropriated out of the general revenue . . . . for the establishment and erection of the buildings of the University of Texas." Buildings for the University and its departments can be provided for from the available University fund, but general revenue can not be used for that purpose as is proposed by this item.

2nd. [Veto of \$15,000 for printing Appellate Court reports already covered by S. B. 214.]

**THIRTY-FIRST LEGISLATURE, REGULAR SESSION,  
JANUARY 12 TO MARCH 13, 1909.**

**MESSAGE OF GOVERNOR T. M. CAMPBELL**

**January 14, 1909; H. J. p. 42; S. J. pp. 27-28**

Progress along educational lines in school development during the last two years from the country school to the State University is as interesting as it is gratifying. The question of education has

a firm hold upon our people, and the educational spirit is manifesting itself at this time as never before. The enrollment of children within the scholastic age numbered 694,708 in 1906; 869,864 in 1907, and 941,053 in 1908. The attendance at all of the State School institutions has shown a marked increase. The Texas School for the Blind, the Texas School for the Deaf, the Colored Deaf, Dumb and Blind, and the three State Normals, the Agricultural and Mechanical College, the Prairie View Normal, the College of Industrial Arts for Girls, and the State University, notwithstanding the facilities added during the last two years, are not able to accomodate the increasing number of applicants for admission, and the usefulness and development of these institutions should progress as rapidly as the State's revenue will justify. It is here suggested that it would be far better for the State, and much more advantageous to our educational scheme to round off and thoroughly equip these institutions for the accomplishment of their respective missions before we undertake other schools and schemes which, along with those we already have, must necessarily languish in the future for want of available funds for their proper equipment, maintenance, and development. For detailed information respecting our great school system, and the appropriations, achievements, and necessities of our State University, and other educational institutions, you are respectfully referred to the most interesting and comprehensive report of the State Superintendent of Public Instruction, and also to the official reports of the Board of Managers of these respective institutions. These reports will accompany this message, and will be furnished to members of the Legislature upon application, and on account of their value and importance, and the deep interest that we must all feel in these schools, I commend them to your thoughtful consideration.

To meet the growing needs of these State institutions and to properly maintain them by adequate appropriations is a duty devolving upon this Legislature.

#### PROCEEDINGS IN THE LEGISLATURE

H. B. 178—By Mr. Mason, et al.

To prevent the sale of intoxicating liquors within 10 miles of an institution of learning.

Died in Committee. H. J. p. 1306.

H. B. 265—By Mr. Smith.

To grant the holder of a B. A., B. S., B. Lit. or other higher degrees from first class colleges a first grade State Teachers' Certificate and after three consecutive years teaching, a permanent first grade teachers' certificate.



Adversely reported. H. J. p. 1312.

H. B. 270—By Mr. Terrell of Cherokee.

To provide for the teaching of agriculture, manual training and domestic science in the State Normal schools and educational institutions.

Became a law. H. J. p. 1311; S. J. p. 1572.

H. B. 296—By Mr. Graham et al.

To amend the law defining and regulating the practice of medicine so as to exempt graduates of the Medical Department from appearing before the Medical Board.

Adversely reported. H. J. p. 1372.

H. B. 299—By Mr. Graham, et al.

To exempt graduates of the State Medical College from appearing before the State Board of Pharmacy

Favorably reported. Died on Speaker's table. H. J. p. 1313.

H. B. 375—By Mr. Moller, et al.

To create a special fund for the erection, repair and equipment of buildings at the State Medical College out of anti-trust fines.

Adversely reported. H. J. p. 1316.

H. B. 376—By Mr. Turney.

To provide for prospecting for minerals on lands owned by the State.

Favorably reported. Died on Speaker's table. H. J. p. 1316.

H. B. 463—By Mr. Standifer.

To amend the law relating to the endowment funds of educational institutions.

Died in Committee. H. J. p. 1320.

H. B. 553—By Mr. Moller, et al.

To create a special building fund for the State Medical College.

Favorably reported. Died on Speaker's table. H. J. p. 1326.

H. B. 574—By Mr. Robertson of Bell.

To provide for a State light, power and water works system for the State institutions at Austin.

Favorably reported. Died on Speaker's table. H. J. p. 1327.

S. B. 79—By Mr. Willacy.

General appropriation bill.

Died in Committee. S. J. p. 1511.

S. B. 126—By Mr. Cofer.

To establish a chair of homeopathic materia medica and therapeutics in the Medical Department.

Died in House. S. J. p. 1518; H. J. p. 1339.

S. B. 179—By Mr. Masterson.

To create a special fund for the erection, repair and equipment of buildings at the Medical Branch

Died in House. S. J. p. 1526; H. J. p. 1340.

S. B. 191—By Mr. Hudspeth.

To provide for the prospecting and sale of mineral lands and of mineral rights on State land

Passed (Democratic platform, Section 8, p. 70; S. J. San Antonio.) S. J. p. 1527; H. J. p. 1340. Vetoed.

S. B. 289—By Mr. Hudspeth.

To provide for a system of electric power, electric lights and water works for the purpose of supplying electric power, lights and water to the State institutions.

Died in House. S. J. p. 1543; H. J. p. 1343.

**January 18, 1909; S. J. pp. 69-71**

[Quotes the Democratic State platform of 1908. The educational plank, Section 8 is on page 70.]

**February 2, 1909; S. J. p. 1633**

Petition from the Students' Council of the Medical Department asking that graduates of that Department be exempt from examination.

**February 10, 1909; S. J. pp. 315, 316**

Four petitions were presented asking for a chair of Homeopathic Therapeutics.

Senator Hudspeth presented a petition in favor of S. B. 126, signed by 1751 citizens of El Paso.

Senator Cofer offered a protest against S. B. 269 [H. B. 296?].

**February 10, 1909; H. J. pp. 347-348, 1357, 1416**

#### RESOLUTION RELATIVE TO THE CARNEGIE TEACHERS' FUND

Mr. Robertson of Travis, by unanimous consent, offered the following resolution:

Resolved: by the House of Representatives, That the following resolution, passed by the Board of Regents of the University of Texas, on January 19, 1909, be approved:

"Perceiving the far-reaching service of the 'Carnegie Foundation for the Advancement of Teaching' in increasing the dignity of the teacher's office, in protecting the old age of unselfish public servants and assuring them that their wives will be provided for even after their death, and in increasing the efficiency and promoting the elevation of the standards of American colleges and universities, the Regents of the University of Texas make application for the admission of the University of Texas into all the rights and privileges of this Foundation."

The resolution was read second time, and adopted.

February 15, 1909; S. J. pp. 352, 354

Senator Hume offered the following simple resolution:

Resolved by the Senate, That the following resolution by the Board of Regents of the University of Texas be approved:

The resolution was read [as just printed above].

Senator Terrell of Bowie offered the following amendment to the resolution:

Amend the resolution by adding thereto the following: "Provided, no teacher shall ever receive any benefit from this fund until he has made affidavit before some officer authorized to administer oaths that he has never mentioned Carnegie's name in the class room or to any student since the passage of this resolution, and that Carnegie's picture has never been hung upon the walls of any school in which he has taught since the passage of this resolution." . . .

Action recurred on the Simple Resolution by Senator Hume, the question being on the amendment by Senator Terrill, and the amendment was tabled by a vote of 22 to 6.

February 16, 1909. S. J. pp. 367, 1554

Action recurred on the simple resolution by Senator Hume.

Senator Sturgeon moved the previous question on the resolution, which motion was seconded and adopted by a vote of 20 to 6.

[Approved by Governor O. B. Colquitt, Feb. 27, 1911, on a letter from Chairman T. S. Henderson to President Henry S. Pritchett, dated Jan. 20, 1909. See p. 462.]

## GENERAL LAWS

### H. B. 270. Ch. 113, p. 221

An Act to provide for the teaching of agriculture, manual training and domestic science in the State Normal schools at Huntsville, Denton, and San Marcos, and in such other normal schools for white teachers as may be hereafter established by law, and of agriculture, including such courses in manual training, and domestic economy as are subsidiary to agriculture, in public high schools which shall meet certain prescribed conditions; and of elementary agriculture for teachers in the summer sessions of the State Normal schools at Huntsville, Denton and San Marcos, of the Agricultural and Mechanical College at Bryan, of the College of Industrial Arts for Girls at Denton, and of the State University at Austin, and give the State Board of Education authority to fix salaries and wages of principals, presidents, teachers and other employees at the State Normal schools, and making an appropriation therefor, and declaring an emergency.

SEC. 3. That the State Board of Education shall require the teaching of elementary agriculture for teachers in the summer ses-

sions of the State Normal schools at Huntsville, Denton and San Marcos, and that the Boards of Directors of the Agricultural and Mechanical College at Bryan, of the College of Industrial Arts for Girls at Denton, and of the State University at Aupstin, shall require the teaching of elementary agriculture for teachers in the summer sessions of these several institutions.

SEC. 4. That the sum of three thousand dollars (\$3,000.00) is hereby appropriated out of any money in the State Treasury not otherwise appropriated for the year ending August 31, 1910, and three thousand dollars (\$3,000.00) for the year ending August 31, 1911, to be divided equally among the State Normal School at Hunsville, the State Normal school at San Marcos, and the State Normal school at Denton, the State Agricultural and Mechanical College at Bryan, the College of Industrial Arts for Girls at Denton, and the State University at Austin for the purpose of installing and maintaining the summer courses in elementary agriculture for teachers provided for in Section 3 of this Act.

Approved March 25, 1909.

## **THIRTY-FIRST LEGISLATURE, FIRST CALLED SESSION, MARCH 13 TO APRIL 11, 1909**

### **MESSAGE OF GOVERNOR T. M. CAMPBELL**

**March 19, 1909. H. J. pp. 29-30; S. J. p. 21**

10. The enactment of laws to provide a system of electric power and lights and waterworks for the purpose of supplying electric power, electric lighting and water to the State Capitol, the General Land Office, the Governor's Mansion, the State University, and the various public institutions of the State by the construction of the State's own plant or plants, or to contract for such electric power, electric lighting and water.

### **PROCEEDINGS IN THE LEGISLATURE**

**H. B. 60—By Mr. Robertson of Bell.**

To provide a light, water and power system for the State institutions at Austin.

Died on Spéaker's table. H. J. p. 465.

**S. B. 23—By Mr. Hudspeth.**

To provide for electric power, lights and water works for the purpose of supplying electric power, etc., at public institutions.

Became a law. S. J. p. 391; H. J. p. 501.



**GENERAL LAWS****S. B. 23; Ch. 8, pp. 275-278**

An Act to provide a system of electric power, electric lights and water works for the purpose of supplying electric power, electric light and water to the State Capitol, the General Land Office, Governor's Mansion, State University and the various public institutions of the State of Texas in the City of Austin and adjacent thereto; to create a board with authority to construct or have constructed or purchase and put in operation the necessary property, machinery and plant for such purpose, and with authority to lay mains and pipes and to erect poles and place wires across and along streets and alleys, public grounds and public highways in the City of Austin and public roads adjacent thereto, and to secure from the owners, by purchase or condemnation proceedings if necessary, the right to lay such mains and pipes and erect such poles and place such wires across private lands; to provide for the operation of such plant, to make an appropriation therefor, and to declare an emergency.

SECTION 1. That a board to consist of the Governor, the Attorney General and Comptroller of Public Accounts is hereby created to be known and designated as Water and Light Board, of which the Governor shall be the chairman, and a majority of which board will constitute a quorum for the transaction of business; and said board is hereby authorized to provide a system of water works, electric light and power for the purpose of supplying with power, light and water the State Capitol, the General Land office, the Governor's Mansion, State University, and the various public institutions of the State of Texas in the City of Austin and adjacent thereto; provided, said board shall have authority to confer with the water and light corporation heretofore and now furnishing water and light for the several State institutions in the City of Austin and adjacent thereto, with a view to making a contract for water and light for a period of not less than two nor more than four years, and if a contract satisfactory to said board can be made with such corporation for water and light for said period, at a rate satisfactory to said board, then such contract shall be made and no new plant constructed.

[A satisfactory contract was made and no new plant was constructed. Sections 2 to 10 of the law are therefore omitted.]

Approved April 8, 1909. ,

**THIRTY-FIRST LEGISLATURE, SECOND CALLED  
SESSION, APRIL 12 TO MAY 11, 1909**

**PROCEEDINGS IN THE LEGISLATURE**

H. B. 17—By Mr. Harman.

To amend law relating to teachers' certificates.

Became a law. H. J. p. 453; S. J. p. 413.

H. B. 18—By Mr. Crockett of Washington.

Appropriation bill. Main University \$240,000 each year; Medical Department \$55,000 each year.

Became a law. H. J. p. 453; S. J. p. 414.

H. B. 27—By Mr. Smith

To amend the law so as to grant to the holders of certain diplomas State teachers' certificates of the first grade.

Died in Committee. H. J. p. 454

**GENERAL LAWS**

**H. B. 17, Ch. 7, p. 394**

An Act to amend Sections 122, 123 and 124 of Chapter 124 of the Acts of the Regular Session of the Twenty-ninth Legislature, relating to teacher's certificates, and declaring an emergency.

SECTION 1. That Sections 122, 123 and 124 of Chapter 124 of the Acts of the Regular Session of the Twenty-ninth Legislature be amended so as to read hereafter as follows:

Section 122. Teacher's diplomas conferred by the University of Texas upon students who have satisfactorily completed at least four full courses in the department of education in said University, and who have satisfied the requirements for the degree of bachelor of arts, shall have the force and effect of the permanent State certificates. Teacher's certificates granted by the University of Texas to students who have satisfactorily completed four full courses in the college of arts and one full course in the department of education in said University, shall have the force and effect of first grade State certificates, and said certificates shall each be valid for a period of two years.

The State Superintendent of Public Instruction may grant first grade State certificates to students who have satisfactorily completed four full academic courses and one full course in education and pedagogy in any institution ranked as first class by the State Superintendent of Public Instruction, upon the recommendation of the State Board of Examiners, and each certificate so issued shall be valid for a period of two years.

Section 123. Any person who holds a diploma conferring on him the degree of bachelor of arts, or any equivalent bachelor's degree, or any higher academic degree from any college or university of the first class, and who has completed five full courses in education and pedagogy, may receive from the State Superintendent of Public Instruction a permanent State certificate, which shall be valid anywhere in this State during good behavior; provided that any person who holds a diploma conferring on him the degree of bachelor of arts, or any equivalent bachelor's degree, or any higher academic degree, from any college or university of the first class, who has not had four full courses in education, but who has taught three years in the State, may receive from the State Superintendent of Public Instruction a permanent State certificate, which shall be valid anywhere in this State during good behavior. The institutions to be recognized as colleges or universities of the first class shall be determined by the State Superintendent of Public Instruction upon the recommendation of the State Board of Examiners. . . .

Approved May 6, 1909.

**H. B. 18, Ch. 28, p. 482**

An Act making appropriations for the support of the State Government for two years, beginning September 1, 1909, and ending August 31, 1911, and for other purposes, prescribing certain regulations and restrictions in respect thereto; to make additional appropriations for the support of the State government for the year ending August 31, 1909, and to pay various miscellaneous claims against the State, and authorizing the payment of said miscellaneous items upon the taking effect of this Act, and declaring an emergency.

*The University of Texas*

For the mainenance, support and direction of the University of Texas, including repairs, extensions, improvements, and buildings for the years beginning September 1, 1909, and ending August 31, 1911, all the available University funds, including interest from its bonds, land notes, endowments and donations, all gifts and fees collected, and all receipts whatsoever from any source.

For the maintenance, support, and direction of the University of Texas for the two years beginning September 1, 1909, and ending August 31, 1911, from the general revenue .....\*\$240,000.00 \*\$240,000.00

Provided, that the above appropriation out of the general revenues for the support and maintenance of this institution is made upon the expressed condition that the Board of Regents of the University of Texas shall use a sufficient amount of the available funds of the University for the purpose of building a heating plant and a library building and may erect a chemical laboratory building at Galveston and to make such repairs for the Medical Department at Galveston as the Board of Regents may deem proper and necessary.

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the University of Texas during the fiscal years beginning September 1, 1909 and ending August 31, 1911, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued, nor obligations incurred in excess of the amounts herein appropriated.

*Medical Department at Galveston*

For the maintenance, support and direction of the medical branch, including repairs and improvements, all the interest from endowments or donations, all gifts and fees collected from students and all receipts whatsoever from any source, and in addition thereto from the general revenue. ....\$ 55,000.00 \$ 55,000.00

Provided, that the Board of Regents of the University of Texas shall use \$5,000 out of the fees collected from students attending this institution for the purpose of repairing the medical building at Galveston. Provided [etc., as above, with "Medical Department" in place of University of Texas.]

Approved May 28, 1906, subject to following veto.

[The appropriations for A. and M. College are subject to the same provisos as in Chapter 98, General Laws, Twenty-third Legislature, Regular Session.]

\*See Governor's message following this chapter.



**Executive Veto by T. M. Campbell, May 28, 1909; H. J. pp. 445-446,**

**449-450; General Laws, pp. 529-530, 536-537**

#### UNIVERSITY OF TEXAS

"For the maintenance, support and direction of the University of Texas, including repairs," etc., the Legislature appropriated for the two years ending August 31, 1909, \$105,000 per year, and to enable the University authorities to use a sufficient amount of the available funds of the University derived from sources other than the general revenue, for the purpose of building a heating and library building, the Legislature, by this bill, increased the appropriation to \$240,000 for the year ending August 31, 1910, and \$240,000 for the year ending August 31, 1911. However, the Board of Regents of the University concur in the view that it is necessary to reduce this appropriation bill generally, and believing that the necessities of the University for the appropriation period covered by this bill can be met by a reduction of this appropriation, and believing that the University should share in such reduction, the proper University authorities have advised that of the appropriation for the year ending August 31, 1910, of \$240,000, that the University requirements can be met with the expenditure of \$200,000, and that of the \$240,000 appropriated for the year ending August 31, 1911, \$180,000 will meet the necessities of the University, and at the same time enable the Board of Regents to proceed with the needed buildings and improvements. This action on the part of the Board of Regents of the University has the effect of reducing the appropriation for the University for the period covered by this bill \$100,000. (P. 482.)

#### AGRICULTURAL AND MECHANICAL COLLEGE

. . . . .

The following items on pages 36 and 37 of the bill are objected to and disapproved, as such appropriations from the general revenue are prohibited by the Constitution of the State, viz.:

"One dormitory, complete and equipped, to be known as 'Willacy Hall,' \$60,000."

"To build five cottages for professors, to be expended in two years, \$10,000."

"Chemical Department, addition to building, \$500."

"For installing a central heating plant, \$15,000 for the year ending August 31, 1910," and "\$15,000 for the year ending August 31, 1911. (Pp. 483-484.)

Section 13 of article 7 of the Constitution of this State provides that "the Agricultural and Mechanical College of Texas, established

by an Act of the Legislature passed April 17, 1871, located in the County of Brazos, is hereby made and constituted a branch of the University of Texas, for instruction in agriculture and mechanical arts and the natural sciences connected therewith. And the Legislature shall, at its next session, make an appropriation not to exceed \$40,000 for the construction and completion of the buildings and improvements, and for providing the furniture necessary to put said college in immediate and successful operation.

And Section 14 of said Article 7 of the Constitution provides, "That no taxes shall be levied and no money appropriated out of the general revenue . . . . for the establishment and erection of the buildings of the University of Texas." Therefore, it is clear that this limitation upon the powers of the Legislature to levy taxes and to appropriate money out of the general revenue applies to the Agricultural and Mechanical College of Texas, as it is made and constituted a part of and a branch of the University of Texas.

#### MISCELLANEOUS ITEMS

On pages 93 and 94 of the bill: Item of "For the payment and cancellation of the following outstanding bonds of the State of Texas, a part of the public debt, \$645,200; \$188,500; \$41,400; \$22,100; \$20,700; \$15,600; \$135,400; all of which said bonds mature July 1, 1909, \$1,068,900." The several items enumerated in this general item of \$1,068,900 embrace that portion of the public debt evidenced by bonds of the State, maturing on July 1, 1909. Instead of providing by adequate laws for refunding these bonds, and providing as the Constitution requires, a 2 per cent sinking fund with which to pay off and discharge the same, the Legislature has undertaken to lay upon the taxpayers of the State the burden of paying off and discharging this large amount by an increase of taxation, which would amount to an increase of approximately 6 cents on the \$100 of property valuation during the present year, to which increase I cannot assent. The payment of these bonds now would mean that the taxpayers must pay \$1,068,900 more taxes this year than if the bonds are refunded and a sinking fund of 2 per cent created for their payment upon maturity, thereby distributing the burden over a number of years, as contemplated by the Constitution.

Section 48 of Article 3 of the Constitution of this State, in its limitation of the powers of the Legislature with respect to the payment of the public debt, limits the Legislature in its power to levy taxes or impose burdens upon the people to the creation of a sinking fund which shall not be more than 2 per cent of the public debt, and for the payment of the floating debt of the State at the time of the adoption of the Constitution, including the then matured bonds for the payment of which the sinking fund is inadequate. The floating debt of the State and the bonds matured and due at that time have long since been paid or refunded.

It will be remembered that our tax rate is increased in proportion to the increased appropriations and the very thing proposed by this action of the Legislature was wisely provided against by the constitutional limitation above referred to, so that such an oppressive burden could not be laid upon the people in the way of taxation during any one year.

These bonds were issued under an act of the Sixteenth Legislature, but that Legislature and subsequent Legislatures have failed to provide a sinking fund with which to pay off and discharge the same when matured. I can not agree to the proposition that the people should have this heavy burden laid upon them this year, even if the Constitution would permit it, but believe, as I recommended to the Legislature, that the bonds should be refunded at a lower rate of interest, and that a sinking fund should be provided by law as authorized and contemplated by the Constitution to pay off the refunded bonds when they mature. These bonds which mature July 1, 1909, and which this item of the appropriation bill was intended to take up and cancel, are held and owned as follows: Six hundred and forty-five thousand two hundred dollars by the permanent free school fund; \$188,500 by the permanent fund of the State University; \$41,400 by the Lunatic Asylum fund; \$22,700 by the Deaf and Dumb fund, \$15,600 by the State Orphans' Home fund, and \$135,400 by individuals, cities, and counties. It will therefore be seen that of the \$1,068,900 in State bonds maturing on July 1, 1909, \$933,500 are owned by the permanent free school fund and State institutions, only \$135,400 being owned by individuals, cities and counties, and therefore no embarrassment to the State will result in the failure to pay them at maturity. Appropriate legislation refunding the same can be enacted in the future, and at a time when the legislative mind is free from the bewildering effect of the large fine recently collected by the State, and which evidently had its influence upon each proposition involving an appropriation of the people's money during the recent session of the Legislature. Indeed, the fine collected from the Waters-Pierce Oil Company might be said to have been appropriated by the Legislature three times. First, the appropriation by special bills including the expenses of the Legislature and appropriations carried by bills vetoed and not necessary to use amounted to more than \$1,880,000. Second, the general appropriation bills as introduced showed an increase of more than \$1,000,000 as compared with any bill ever heretofore offered. And, third, this item of \$1,068,900 to pay off the State bonds, and other large items were added to and included in the bill as finally passed.

It would seem that in times like these it would be well to recur occasionally to the safeguards of the Constitution. . . .

**THIRTY-FIRST LEGISLATURE, THIRD CALLED SESSION, JULY 19 TO AUGUST 17, 1910**

**PROCEEDINGS IN THE LEGISLATURE**

H. B. 20—By Messrs. Brownlee and Tarver.

To prohibit the sale of intoxicating liquors within ten miles of the State University and its branches.

Died in Senate. H. J. p. 423; S. J. p. 199.

**THIRTY-SECOND LEGISLATURE, REGULAR SESSION, JANUARY 10 TO MARCH 11, 1911**

**MESSAGE OF GOVERNOR T. M. CAMPBELL**

January 11, 1911; H. J. pp. 47-48; S. J. pp. 29-30

**THE UNIVERSITY OF TEXAS**

This, the capstone of our educational structure, occupies a high place among the leading universities of the country. The people are justly proud of their great University and of its student body. Its wise management, the high and efficient service being rendered by its faculty, its growth and its history all give promise of a greater future for the University of Texas. The State owes much to this institution and we can not be too liberal in dealing with its necessities. That the attendance has increased more rapidly and that more has been done by the State in financial and other ways to promote its growth and efficiency during my term as Governor, and that more satisfactory results have been realized than in any former period of four years, is gratifying to me. I have at all times favored the most liberal co-operation of the State and have delighted in the support and encouragement given the University and its governing body. The students who have received training at this institution of learning have increased 51 per cent during the past four years. During the term of 1905-1906, 2016 students received training here, and for the term of 1909-1910 it had 3043 students, including the summer school, which has shown the most rapid growth.

The Constitution does not permit appropriations from the general revenue for the erection of buildings for the State University. However, it has a permanent endowment provided by the State, the income from which now amounts to about \$145,000 annually, and which may be used for that purpose as well as for maintenance. The Legislature may provide for the entire maintenance, or for any



part thereof, by appropriations from the general revenue, but not for buildings. Prior to this administration the appropriations from the general revenue for the University were so meagre that it became necessary to apply all, or nearly all of the income derived from the permanent fund to the expenses of conducting and maintaining the institution. However, during the last four years the appropriations from general revenue for maintenance and conducting the Main University and the Medical Branch at Galveston were increased an amount in the aggregate to the sum of \$810,000.00. This action has enabled the Board of Regents to apply as they have done the greater portion of the income from the permanent fund to the necessary repairs, permanent improvements and to construct and equip a law building costing about \$117,000.00; to erect and equip a power plant for heating and lighting which will answer the purpose of the University for all time to come, at a cost of about \$95,000.00; and to contract for a Library Building to cost \$250,000.00, which is now in course of erection and upon which large expenditures have already been made. These expenditures made during the last four years and the same to be expended to complete and equip the Library Building for which provision has already been made and for the repairs, improvements, buildings and equipment already made and which were so much needed and so important, will amount in the aggregate to approximately \$467,000. I believe that the requirements of the University are such that its maintenance for the present should come from the general revenue so that the entire income from the permanent fund can be applied to the purchase of additional grounds and to the erection and equipment of buildings necessary to meet all the demands upon the institution and this policy is respectfully recommended to your honorable bodies. This great institution should be cared for by the State. It should never come under the influence of predatory wealth. It should never owe a debt of gratitude for endowments or gifts from the coffers of tainted wealth. Let the University of Texas remain free and independent and let it depend alone, and not in vain, upon Texas manhood for the perpetuation of its usefulness and glory.

#### MESSAGE OF GOVERNOR O. B. COLQUITT

January 18, 1911. H. J. pp. 163-164; S. J. pp. 124-125

#### OUR EDUCATIONAL SYSTEM

An amendment to Article 7, Sections 10 and 13 of our Constitution, should be proposed and submitted to a vote of the people at the next regular election, providing for the separation of the Agricultural and Mechanical College and the University of Texas.

This amendment should provide for the appointment of regents for both institutions with longer terms of office. A board of nine regents with terms of six years, three to be appointed every two years, would be far better than the present provision for two years terms for regents of these institutions. Care should be taken in this proposed amendment to make the terms of all boards for State educational and eleemosynary and penal institutions six instead of two years, and I sincerely hope that it will be done, thus removing, as far as practicable, the managers of these institutions from the effects of politics and changes in administration. The proposed amendment should also make provisions for separate income for the State institutions of higher learning.

An educated citizenship with a proper training of the heart as well as of the mind, is the best guarantee of good government and of good conduct.

#### PROCEEDINGS IN THE LEGISLATURE

H. B. 1.—By Mr. Turney.

To provide for prospecting for minerals on land owned by the State.

Died on Speaker's table. H. J. p. 1575.

H. B. 54—By Mr. Yarbrough.

To amend the laws relating to teachers' certificates.

Became a law. H. J. p. 1579; S. J. p. 1539.

H. B. 73—By Messrs. Nickels, Cureton, McKinney, Kennedy, Wortham, Harman, Hill, Martin, Robertson.

To provide for a special fund for the University of Texas and A. & M. out of the ad valorem tax rate.

Died in Senate. H. J. p. 1581; S. J. p. 1540

H. B. 181—By Mr. Dillard.

To cancel all leases on lands belonging to the State University.

Died in Committee. H. J. p. 1588.

H. B. 272—By Messrs. Stevens, Nickels, Rayburn.

To allow persons holding a diploma from the Medical Branch of the University to practice medicine without further examination.

Died on Speaker's table. H. J. p. 1594.

H. B. 378—By Mr. Campbell.

To transfer surplus quarantine funds at Galveston Station to the University.

Died on Speaker's table. H. J. p. 1601.

H. B. 379—By Mr. Campbell.

To amend acts of the 29th Legislature authorizing the Commissioners Court of Galveston to convey or lease certain lands to the University.

Died in Senate. H. J. p. 1601; S. J. p. 1557.

H. B. 551—By Mr Harmon.

To provide the manner of disbursing funds.

Died on Speaker's table. H. J. p. 1613. (See S. B. 314.)

H. B. 602—By Mr. Haney.

To define and prohibit hazing in any school, college or University.

Died in Committee. H. J. p. 1617.

H. C. R. 35—By Mr. Robertson of Travis.

To express gratitude to Hon. George W. Brackenridge.

Passed. H. J. p 1620

H. J. R. 9—By Mr. McKinney.

To amend the Constitution so that regents, directors and trustees of State institutions may serve six years.

Passed. H. J. p. 1622; S. J. p. 1575.

H. J. R. 9—By Mr. McKinney.

To amend the Constitution so as to levy a special tax for supporting the University and A. & M.

Passed third reading. Died on Speaker's table. H. J. p. 1622.

H. J. R. 20—By Mr. Rowell.

To amend the Constitution relative to the investment of the permanent University fund.

Died on Speaker's table. H. J. p. 1622.

March 4, 1911; H. J. p. 1076

#### RELATIVE TO CONDITIONS AT STATE UNIVERSITY

Mr. Stamps offered the following resolution:

In view of the fact that the Senate on yesterday passed a resolution providing for a committee of five of its members to investigate conditions of affairs at the State University, in connection with the unlawful assembly of students out of which the shooting of a student occurred. And the further fact of such findings as the Senate committee may make will, in all probability, affect the attitude of the entire Legislature toward the institution and its students; therefore, be it

*Resolved*, That the Speaker of the House appoint a like committee of five of its members, with powers and duties as set forth in Senate resolution, to sit with the Senate Committee and make such report of its findings to the House as is provided in said Senate resolution for report to the Senate.

Baker, Stamps, Fant, Hunt, Goodner, Coffey, Watson, Bonner.

The resolution was read and a second reading was called for.

The Speaker announced that several members objected to a second reading of the resolution.

Mr. Stamps moved that the resolution be read second time, and the motion was lost.

The resolution went to the Speaker's table.

S. B. 18—By Mr. Hudspeth.

Creating a State School of Mines and Metallurgy.

Died on Calendar. S. J. p. 1448.

S. B. 20—By Messrs. Johnson, Perkins and Hudspeth.

To provide for a special University fund composed of a certain part of the ad valorem taxes.

Died on calendar. S. J. p. 1448.

S. B. 33—By Mr. Hudspeth.

To provide for prospecting for minerals on State lands.

Died. S. J. p. 1451; H. J. p. 1627.

S. B. 130—By Mr. Lattimore.

To amend Section 123 of Chapter 124 of the General Laws of Texas relating to making college and University diplomas have the force and effect of permanent State certificates

Passed. Died in House. S. J. p. 1470; H. J. p. 1630.

S. B. 216—By Mr. Kauffman.

To transfer surplus of quarantine fee fund at Galveston Station, to the Board of Regents of the University of Texas to enable the John Sealy Hospital to provide for buildings, etc, to care for contagious diseases.

Passed. Died on calendar. S. J. p. 1488.

S. B. 314—By Messrs. Terrell of Wise and Cofer.

To provide that all expenditures of the University be paid on warrants from the Comptroller vouchers approved by the Chairman of the Board of Regents or a substitute and countersigned by the Secretary of the Board of Regents or some substitute.

Became a law. S. J. p. 1508; H. J. p. 1635.

S. B. 350—By Mr Mayfield.

To define offense of hazing.

Died. S. J. p. 1516.

S. B. 351—By Mr. Ward.

To prevent and define offense of hazing.

Died. S. J. p. 1516.

S. B. 353—By Mr. Cofer.

To define and prohibit hazing.

Died in House. S. J. p. 1516; H. J. p. 1637.

S. J. R. 8—By Mr. Astin.

To amend Sections 10, 11, and 13 of Article 7 of the Constitution of the State of Texas relating to the University of Texas, and to amend said Article by adding Section 13a; to prescribe the securities in which the permanent University fund may be invested; to



separate the University and A. & M.; to transfer bonds of the University to the College.

Passed Senate, but died in House. S. J. p. 1522; H. J. p. 1638.

January 25, 1911; S. J. p. 185

Petition favoring a special tax for the University, from the Sons of Herman.

February 28, 1911; S. J. p. 727

Whereas, It has come to our knowledge that Col. G. W. Brackenridge has presented to the Governor of this State his resignation as a member of the Board of Regents of the University of Texas; and,

Whereas, He has served with great ability and distinction upon this board for more than twenty-seven years, and has always given the institution the benefit of his ripe experience, great executive ability and well known liberality; therefore, be it

Resolved, That the Senate of Texas extend to Col. Brackenridge expressions of our most sincere appreciation and thanks.

Resolved, That we express our most earnest hope that he may yet be spared many years of usefulness to his State and friends, to enjoy the fruits of his labor well performed.

Resolved, That a copy of these resolutions be spread upon the Journal of the Senate and a copy be sent by the Secretary of the Senate to Col. Brackenridge.

Johnson, Meachum, Peeler.

The resolution was read and adopted.

March 3, 1911; S. J. pp. 796, 803, 804

Simple Resolution by Senator Mayfield, by unanimous consent:

Whereas, We learn from the press of this morning that one of the Freshman students of the State University, in order to protect himself from being "hazed" shot and mortally wounded a fellow student of said institution, and

Whereas, Our great University should set an example to other schools as being an institution which shapes the character of men into ideal manhood, and polishes them into ideal citizens, and

Whereas, In order for each student that enters said University to be guaranteed protection and safe guards that will secure to him life, liberty, and the peaceful pursuance of his studies without the inhumane and barbarous practice of "hazing," and

Whereas, The State of Texas owns said University and maintains it as the University to which all young men of this State are entitled to come and have that protection thrown around them that

will enable them to pursue their studies in a quiet and peaceful manner, therefore be it

Resolved, by the Senate of the State of Texas, That we deplore the sad occurrence of yesterday, when one of the Freshmen shot and mortally wounded a fellow Senior student, and we call upon the Board of Regents and the faculty of said University of Texas and those in charge of all other State educational institutions and urge them to put a stop to all "hazing" and like "brutal practices" for the good of said University and other institutions, and for the protection of the peace, harmony and person of said students, to the end that we may have no more days of such fighting and shooting as occurred on yesterday and last evening.

Mayfield, Terrell of Wise.

The resolution was read, and Senator Hudspeth offered an amendment, but later withdrew same.

Simple resolution—Action recurred on the pending resolution and amendment thereto.

Senator Meachum offered the following substitute for the amendment and resolution:

#### Substitute Resolution

Resolved, by the Senate of Texas, That we deeply deplore the sad occurrence on last night in which a student of the University was shot by another student and we have [here] now declare ourselves unalterably opposed to the practice of hazing in any educational institution of this State, and, offering to the friends and families of the interested parties our heartfelt sympathy and condolence, we hereby tender to the Board of Regents of said institution, members of the Faculty, and student body generally, any assistance within our power to prevent any disorderly practices in our State University, and hereby assert our willingness to enact such laws as will secure order and decorum in that institution; and we hereby request especially the student body of the University, composed, as we believe, of honorable and patriotic young Texans, to rise in their manhood and stamp out any disorderly practices which would tend to bring into disrepute the great State University, founded by our forefathers for the benefit of the people of Texas, and which is now rapidly taking its place as one of the greatest universities among the nations of the earth.

Meachum, Ratliff, Collins, Lattimore, Astin, Adams, Hume, Cofer.

Senator Vaughan moved the previous question on the substitute, the amendment and the resolution, which was seconded

Senator Hudspeth called for a division of the question.

The Senate refused to order the previous question.

Senator Mayfield moved to table the substitute, which motion prevailed by the following vote:

Yeas 15, Nays 11.

Action then recurred on the amendment to the resolution, and the same was adopted by the following vote:

Yeas 16, Nays 10.

The resolution as amended was then adopted by the following vote:

Yeas 15, Nays 10.

In accordance with the above resolution, the chair appointed Senators Hudspeth, Watson, Terrell of Wise, Mayfield and Carter as the Committee.

[This Committee did not even visit the University.]

**March 4, 1911; S. J. p. 842**

Communication from the Students' Council welcoming an investigation of hazing.

#### **GENERAL LAWS**

**S. B. 314, Ch. 57, p. 99**

An Act to amend Article 3852, Chapter 2, of Title 86 of the Revised Statutes, so as to provide that all expenditures of the Board of Regents of the University of Texas may be made by order of the said Board of Regents, to be paid on warrants from the Comptroller on voucher approved by the chairman of said Board or by some other officer or officers of the University of Texas designated by him in writing to the Comptroller, and to be countersigned by the secretary of the said Board or some other officer or officers of the University designated by said secretary in writing to the Comptroller, and declaring an emergency.

SECTION 1. That Article 3852, Chapter 2, of the Title 86 of the Revised Statutes be so amended as hereafter to read as follows:

Article 3852. All expenditures may [must] be by the order of the Board of Regents, and the same shall be paid on warrants from the Comptroller based on vouchers approved by the chairman of the Board or by some officer or officers of the University designated by him in writing to the Comptroller, and countersigned by the secretary of the Board, or by some other officer or officers of the University designated by said secretary in writing to the Comptroller. . . .

Approved March 13, 1911.

**H. B. 54, Ch. 96, p. 192**

An Act to amend Sections 114, 115, 116, 117, 118, 119, 120, and 121 of Chapter 124 of the Acts of the Twenty-ninth Legislature, and Sections 122, 123, and 124 of Chapter 124 of the Acts of the Twenty-ninth Legislature, as amended by Chapter 7 of the Second

Called Session of the Thirty-first Legislature, and repealing Sections 105, 106, 107, 108, 109, 110, 125 and 126 of Chapter 124 of the Acts of the Twenty-ninth Legislature, and Chapters 68 and 149 of the Acts of the Thirtieth Legislature, relating to teachers' certificates, and declaring an emergency.

Section 116. A teacher's diploma conferred by the University of Texas upon a student who has satisfactorily completed at least four full courses in the department of education, and who has satisfied the requirements for the degree of bachelor of arts, when presented to the State Department of Education with satisfactory evidence of having done the required work in education, shall entitle the holder to receive a State permanent certificate valid for life, unless canceled by lawful authority.

A person who has satisfactorily completed four full courses in the college of arts and one full course in the department of education of the University of Texas, or in any college or university ranked as first-class by the State Superintendent of Public Instruction, upon the recommendation of the State Board of Examiners, shall upon presentation of satisfactory evidence of having done the required work, be entitled to receive from the State Department of Education, a State first-grade certificate valid until the fourth anniversary of the thirty-first day of August of the calendar year in which the certificate was issued, unless canceled by lawful authority. . . . .

**H. C. R. 35.—Gratitude to Hon. G. W. Brackenridge for Valiant Services Rendered the University. P. 276.**

Whereas, The Hon. George W. Brackenridge, who for twenty-five years has been a regent of the University of Texas, having been appointed and reappointed by seven Democratic Governors, notwithstanding he is Republican in politics, has resigned from the Board of Regents; and

Whereas, The gratitude of the people of Texas is due him on account of his devotion and large benefactions to the cause of education and his constant efforts to keep the University free from partisan politics and sectarian religion; therefore, be it

Resolved by the House, the Senate concurring, That we express the hope that the declining years of the Hon. George W. Brackenridge may be as peaceful as his life has been beneficial to civilization.

**H. J. R. No. 9, p. 286.**

An Act proposing an amendment to Article 16 of the Constitution of the State of Texas, by adding a new section thereto, to be entitled Section 30a; providing that the members of the Board of Regents of the State University, and the boards of trustees or



managers of educational, eleemosynary and penal institutions of the State and such other boards as have been, or may hereafter be established by law, may be elected or appointed for term of six (6) years, one-third of the members of said boards to be elected or appointed every two (2) years in the manner provided by law, fixing the time for holding the election, and making the appropriation therefor.

SECTION 1. That Article 16 of the Constitution be amended by adding a new section thereto, to be known and designated as "Section 30a," and to read as follows:

Section 30a. The Legislature may provide by law that the members of the Board of Regents of the State University and the Boards of Trustees or Managers of the educational, eleemosynary, and penal institutions of the State, and such boards as have been, or may hereafter be established by law, may hold their respective offices for the term of six (6) years, one-third of the members of such boards to be elected or appointed every two (2) years in such manner as the Legislature may determine; vacancies in such offices to be filled as may be provided by law, and the Legislature shall enact suitable laws to give effect to this section.

SEC. 2. The foregoing constitutional amendment shall be submitted to a vote of the qualified electors for the members of the Legislature, at the next general election to be held in this State, at which election all voters favoring said proposed amendment shall have printed or written on their ballots: "For the amendment of Article 16 of the Constitution of the State of Texas, regulating the term of office of the Board of Regents of the State University, and other Boards of Trustees, or Managers, heretofore or hereafter established by law." And all voters opposed to said amendment shall have printed or written on their ballots the words: "Against the amendment of Article 16 of the Constitution of the State of Texas, regulating the term of office of the Board of Regents of the State University, and other Boards of Trustees, or Managers, heretofore or hereafter established by law."

SEC. 3. The Governor of this State is hereby directed to issue the necessary proclamation for said election, and have the same published, as required by the law of this State.

SEC. 4. The sum of five thousand dollars (\$5,000.00), or so much thereof as may be necessary, is hereby appropriated out of any funds in the State Treasury, not otherwise appropriated, to defray the expenses of said proclamation, publication and election.

[At the general election held November 5, 1912, four proposed constitutional amendments were voted upon: Section 5, Article 11; Section 58, Article 16; Section 30a, Article 16; Section 51, Article 3. Each amendment carried, Section 30a, Article 16, by a vote of 108,230 to 43,670. Biennial Report of the Secretary of State, 1912, pp. 125-128, of the Supplemental Report.]

**THIRTY-SECOND LEGISLATURE, FIRST CALLED SESSION, JULY 31 TO AUGUST 29, 1911**

**PROCEEDINGS IN THE LEGISLATURE**

H. B. 33—By Messrs. Wood of Galveston and Campbell.

To authorize the lease to the Board of Regents of a certain tract of land in Galveston.

Became a law. H. J. p. 690; S. J. p. 520.

S. B. 3—By Mr. Weinert.

Appropriating \$268,455 and \$131,545 for the fiscal years ending August 31, 1912, and August 31, 1913, with "such changes as the Regents may deem necessary."

Became a law. S. J. p. 497; H. J. p. 699.

S. B. 20—By Messrs. Cofer, Peeler and Kauffman.

To provide for the condemnation or purchase of land for use of the University in Travis and Galveston Counties.

Became a law. S. J. p. 501; H. J. p. 700.

S. B. 29—By Mr. Kauffman.

To provide that Galveston County convey or lease to the Board of Regents of the University of Texas for hospital purposes a certain tract of land northwestward of Ave. B.

Died on calendar. S. J. p. 503.

**GENERAL LAWS**

**F. C. C. S. B. No. 3; Ch. 3, p. 26**

An Act making appropriations for the support of the State Government for two years, beginning September 1, 1911, and ending August 31, 1913, and for other purposes, and prescribing certain regulations and restrictions in respect thereto; to make additional appropriations for the support of the State Government for the year ending August 31, 1911, and to pay various miscellaneous claims against the State, and declaring an emergency.

*University of Texas*

For the maintenance, support and direction of the University of Texas, including Medical Department at Galveston, including repairs, extensions, improvements and buildings for the years beginning September 1, 1911, and ending August 31, 1913; all the available University funds, including interest from its bonds, land notes, endowments and donations, all gifts and fees collected and all receipts whatsoever from any source.

For the maintenance, support and direction of the University of Texas, including the Medical College at Galveston, for the two years beginning September 1, 1911, and ending August 31, 1913, from the general revenue, salaries as at present in effect, with such changes as the regents deem necessary.....			\$268,455.00	\$268,455.00
Additional salaries, equipment and supplies .....				131,545.00
Total.....			\$268,455.00	\$400,000.00

Provided, that the amounts herein appropriated for each item as stated herein, and no more, shall be paid out of the general revenue for the University of Texas, including the Medical College at Galveston, during the fiscal years beginning September 1, 1911, and ending August 31, 1913, and no surplus shall be diverted from one account to another account; and provided further, that no deficiency shall be created, nor shall any warrants be issued, nor obligations incurred in excess of the amounts herein appropriated.

[The appropriation for the A. & M. College is subject to substantially the same proviso as that included in Ch. 98 of the General Laws of the Twenty-third Legislature, Regular Session.]

Approved August 29, 1911.

#### Veto of Governor O. B. Colquitt

August 29, 1911; General Laws of Texas, Manuscript, Department of State, Chapters 1 to 20

On page 51, the following item: "Additional salaries, equipment, and supplies, \$131,545.00 for the fiscal year ending August 31, 1912, is objected to. I regret exceedingly the necessity that impels me to do this. The appropriation for the University and all other educational institutions in this bill is far in excess of appropriations ever before made for them by the Texas Legislature."

#### S. B. 20, Ch. 6, p. 76

An Act to authorize and empower the Board of Regents of the University of Texas to acquire by purchase or condemnation for the use and benefit of the University of Texas such lands within the counties of Travis and Galveston as they may deem expedient for sites on which to erect and maintain buildings and for the extension of the campus and other purposes in the conduct of the said University, and declaring an emergency.

SECTION 1. Power and authority is hereby conferred upon the Board of Regents of the University of Texas to acquire by purchase or condemnation for the use and benefit of the University of Texas such lands within the counties of Travis and Galveston as they may deem expedient for sites on which to erect buildings for the use of the said University and for the extension of the campus and for other purposes necessary in the conduct of said University.

SEC. 2. If the said Board of Regents, in seeking to acquire any lands for any of the purposes aforesaid and the owner or owners of said land can not agree for the sale and purchase thereof, the Board of Regents shall request the Attorney General to file a petition in the district court of the county in which the land sought to be condemned is situated, describing the land and stating the purposes for which it is desired by the Board of Regents, and praying that the value of such land be ascertained judiciously and a decree be entered vesting title thereto in the State of Texas for the use and benefit of the University of Texas upon the payment of the value so ascertained.

SEC. 3. Upon the filing of any such petition by the Attorney General, the clerk of the court shall issue a citation to the owner or owners of the land as in other civil cases, which citation shall be served and returned as in civil cases, and the cause shall be entered on the civil docket in the name of the Board of Regents of the University of Texas as plaintiff and the owner or owners of the land as a defendant.

SEC. 4. At the first term of the court after service of citation upon the owner, as provided in the preceding section, the cause, unless continued on motion thereof, shall be tried by a jury upon a single issue as to the value of the land, and the decision of any such jury shall in all cases be final; provided the parties to said proceeding shall have the right of appeal as in other civil cases.

SEC. 5. Nothing in the preceding section contained shall be construed to prevent the parties from waiving a jury and submitting to the court the issue as to the value of the land in question, or from selecting by agreement three persons to ascertain the value of such land, under their oaths and the direction of the court; and the finding and decision of the court or of such persons shall in all cases be final; provided the parties to said proceeding shall have the right of appeal as in civil cases.

SEC. 6. When the value of the land has been ascertained in either of the modes above prescribed, and the court is satisfied with such valuation, it shall enter a decree vesting the title in such lands in the State of Texas for the use and benefit of the University of Texas, to be held, owned, possessed and enjoyed by the State of Texas for the purposes hereinbefore recited. No such decree shall be entered until the value of the land so ascertained, together with



all reasonable costs and expenses of the owner in attending such proceeding, shall be paid to him, or into court for his benefit and subject to his order, such costs and expenses to be assessed by the court for which any such proceeding is had, including reasonable attorney' fee to be fixed by the court.

Approved August 30, 1911.

**H. B. 33, Ch. 13, p. 99**

An Act to amend Chapter 42 of an Act of the Twenty-ninth Legislature, entitled "An Act to prohibit the granting or use for railway or other purposes of any part of the tract of land in the city and county of Galveston, Texas, acquired by that county or the commissioners court thereof for seawall purposes," by adding thereto Section 1a, authorizing and empowering Galveston County or the commissioners court of said county to convey or lease to the Board of Regents of the University of Texas, on behalf of the State of Texas, for hospital purposes in connection with the John Sealy hospital, all or any part of the tract of land acquired under said Act which lies to the north and northwestward of Avenue B, in said city, and declaring an emergency.

SECTION 1. That Chapter 42 of an Act of the Twenty-ninth Legislature, entitled "An Act to prohibit the granting or use for railway or other purposes of any part of the tract of land in the city and county of Galveston, Texas, acquired by that county or the commissioners court thereof for seawall purposes," be, and the same is hereby, amended so as to hereafter read as follows:

SECTION 1. That no corporation, person or association of persons shall be granted or exercise any rights, privileges or franchise for contruction or operation of any railway, whether by steam, electric, cable, horse or other power, nor shall any corporation, person or association of persons be granted any right, leasehold, privilege or franchise for any purpose or purposes other than a public walk, public driveway or public park along and upon or across any part of that tract of land situated in the city and county of Galveston, in the State of Texas, which was acquired by said county commissioners court thereof for seawall purposes, under the authority of an Act passed by the First Called Session of the Twenty-seventh Legislature of the State of Texas, and approved by the Governor September 7, 1901, entitled "An Act to give effect to Section 7, Article 11, of the Constitution, authorizing all counties and cities bordering on the coast of the Gulf of Mexico to construct seawalls and breakwaters, to issue bonds therefor, and levy a tax for the payment thereof; and further, to provide for the construction and maintenance of said works, and payment of said bonds by sale or rent of lands reclaimed from the sea or otherwise acquired for

breakwater purposes;" and it shall also be unlawful to allow the possession, use or occupancy in any manner whatever of any part of said tract of land for any purpose whatever other than a public walk, public driveway or public park, and any action upon the part of the county commissioners court of Galveston county, or any other court or body, or official or officials in attempted contravention of this Act shall be void and of no effect.

SEC. 1a. Nothing in the foregoing section of this Act shall be construed to prohibit the county of Galveston, or the county commissioners court of said county, from conveying or leasing, and it is hereby expressly empowered to convey or to lease for a period of ninety-nine years or less, to the Board of Regents of the University of Texas on behalf of the State of Texas, any or all of that part of the land acquired for seawall and breakwater purposes which lies to the north and northwestward of the north line of Avenue B, in said city, to be used for hospital purposes in connection with the John Sealy Hospital.

SEC. 2. All laws or parts of laws in conflict herewith are hereby repealed.

Approved August 31, 1911.

## **THIRTY-THIRD LEGISLATURE, REGULAR SESSION, JANUARY 14 TO APRIL 1, 1913**

### **MESSAGE OF GOVERNOR O. B. COLQUITT**

**January 16, 1913, H. J. pp. 21, 22; S. J. pp. 32, 33**

#### **University of Texas**

Under the provisions of the Constitution the University has a land endowment of two million acres. The organic law as it now reads prohibits the Legislature from appropriating money out of the general revenue for erection of buildings for the University. This institution of learning, therefore, has had to suffer tardy and unsatisfactory development because of insufficient money to erect buildings. The income from its land and bonds is not sufficient for buildings, to say nothing of its needs for maintenance. But I shall discuss this subject at a greater length in a special message. The University of Texas ought to be second to no State University in the Union. If I have the help of the Legislature and the co-operation of the friends of the University it will stand in the first-class in point of buildings and equipment. In the special message the Legislature will be given in detail the revenues derived in the past by the University from its lands and other sources, and plans for its upbuilding will be discussed. . . .

**Special Institution Tax**

Before a special State educational tax, as called for by the platform, can be levied, the Constitution will have to be amended so as to authorize it. It is hoped the friends of the different institutions of learning, supported by State taxation in whole or in part, will unite in an effort to secure the submission and adoption of an amendment which will permit the development and proper maintenance of our educational institutions. All bickerings and selfishness that would defeat this desired end ought to be put aside. Especial attention is called to the report of our efficient Superintendent of Public Instruction. It contains many valuable suggestions and an able discussion of our school laws and the improvement they need.

February 5, 1913; H. J. pp. 431-436; S. J. pp. 469-474

. . . . .

**Separate Provision**

Adequate provision by constitutional amendment, if necessary, for liberal and independent income for the support and development of the State institutions of higher learning, is demanded. These institutions of "higher learning" embrace the University of Texas, the Agricultural and Mechanical College, which includes the Prairie View Normal College for Colored Youths, the College of Industrial Arts for White Girls, and the four State normal colleges. To make this separate provision an amendment to the Constitution will be necessary, because the State University can not be developed under the present limitations imposed upon it by the terms of the Constitution, which stipulates that no money shall be appropriated out of the general revenues for buildings for that institution. The platform calls for the submission of an amendment to eliminate this limitation against the University from our organic law. Any separate provision that might otherwise be made that would not comprehend the development of the University, as well as its support, would be a farce and fall short of what is necessary to carry out the great plans embraced in the demands of the democratic platforms to which the administration is committed. The income from the permanent university land endowment is not sufficient to develop the State principal institution of learning.

. . . . .

**College Divorcement**

An amendment to Section 11, of Article 7, of the Constitution, is called for, completely divorcing the Agricultural and Mechanical College from the University of Texas. As now worded Section 11

of Article 7 does not mention the A. & M. College. But Section 13 confirms an act passed by the Legislature April 17, 1871, which established and located the Agricultural College in Brazos county "for instruction in agriculture and mechanic arts and the natural sciences connected therewith." The same section provided that the Legislature shall at the next session make an appropriation "not to exceed forty thousand dollars for the construction and completion of the buildings and improvements and furniture necessary to put the college in immediate and successful operation." Then follows Section 14, with the declaration that "no tax shall be levied and no money appropriated out of the general revenue for the establishment and erection of buildings of the University of Texas." Each Legislature since the adoption of the Constitution in 1876 has appropriated money for the establishment and erection of buildings at the Agricultural and Mechanical College, but has not appropriated money for the erection of buildings for the University of Texas. My construction of these provisions has been that whereas Section 13 makes and establishes the Agricultural and Mechanical College as a branch of the University, it does so as a separate and independent college, and exempts it from the limitations placed on the University as to making appropriations out of the general revenue. All the Governors of the State but one evidently placed the same construction on the Constitution, or they would not have approved appropriations for the Agricultural and Mechanical College out of the general revenue. But the friends of the college have asked, and the platforms demands, the submission of an amendment to the Constitution completely divorcing it from the University, and this promise should be kept.

. . . . .

#### Medical Branch

The medical branch of the University, located at Galveston ought to be improved and a dental department added to it. This should not be done by separate legislation beyond requirement that the Board of Regents should provide for it as soon as the finances of the University will permit them. Philanthropic citizens of Galveston have offered to donate money to aid the erection of a suitable and safe nurse home on condition that the Board of Regents would provide an equal sum. The building now used for this purpose is insecure, in fact, a veritable fire trap. The matter is one of importance. But all such improvements can be made upon an adequate and enduring scale if my suggestions for the University meet with the approval of the Legislature and the people.



## A Great University

I want to see Texas build a great University—one of the first class, and second to none in all the United States. We have talked much about our boasted University fund, but it has retarded rather than developed the University. It is the only institution of learning the State has founded which the Legislature is prohibited from appropriating money for the erection of buildings. The buildings that have been constructed are inadequate in every way. They have been built piecemeal and only when the Legislature could be induced to appropriate money enough for maintenance to justify the regents to apply the available University revenue in the erection of additions and buildings. Accompanying this message is a proposed amendment to Article 7 of the Constitution. It embraces all the platform recommendations, and presents in fundamental form my views as to what should be done for our schools and colleges. It provides that the Legislature may levy as much as ten cents on the hundred dollars of taxable values, or so much thereof as may be necessary, for the support of the higher institutions of learning in this State; 44 per cent of what may be levied to be applied without further legislative action to the support of the University of Texas; 29 per cent to the support of the Agricultural and Mechanical College; 18 3-4 per cent to the support of the four State Normal Colleges; 5 3-4 per cent to the College of Industrial Arts for Women, and 2 1-2 per cent to the Prairie View State Normal and Industrial College. What a great pity the founders of our educational system did not foresee the great advantage there would have been in combining all these great institutions of learning in one great University at one place and under one government and control. With them working together and cooperating as one great institution, the good that could have been accomplished would have been wonderful. If we add to the legislative appropriations for the two fiscal years beginning September 1, 1911, the sums the Agricultural and Mechanical College receives from sources other than the Legislature, and the deficiencies created in its favor, the total sum available for the support of these higher educational institutions is \$2,712,839.82. This is a princely sum, and after allowing the cost of assessing and delinquencies is equal to a tax rate of seven cents on the hundred dollars of the taxable values in this State. This sum is almost equal to the total amount spent in buildings and in maintaining the great Wisconsin University annually where all these colleges are combined and go to make up the University of that State. The task of building such a university in Texas would be easy if public sentiment could be informed of the merits of such an institution, and local selfish interests could be kept from dominating the issue. Such an institution would

furnish all that could be desired. But if we can't have this kind of a university we will have to content ourselves with dividing it up and scattering it around the State as is now the case, and make up our minds to develop them separately and make them respond to the needs and requirements of the people of this great commonwealth.

#### An Ideal University

If I had the planning and making of a university, I would have a campus of ample acreage, and on that campus I would erect buildings more magnificent and commodious than those we now have in this State, and I would call these buildings the "Agricultural and Mechanical College." And on the same campus I would build magnificent structures more commodious than all the State normal schools we now have and call them the "State Normal Colleges." Then there would be erected an art and industry building many times more commodious than the college we now have, and that I would call the "College of Arts and Industry," in which the arts and industries for men and women should be taught. Then I would build a substantial structure and call it the "Law College," and another magnificent building far more complete and capacious than any we have, and call it the "Medical College." In the center of the campus I would build a magnificent main building of Texas granite large enough to afford accommodations not only for the present, but for the future generations, and I would call the whole the "University of Texas." The students attending any of these colleges could then get the advantage of a course in any or all of them, the advantages of all of them would be open to students attending any one of them. Some may say this is a dream; if so, it is one that should have been now a realization and is yet possible. The combined strength and usefulness of such a university would be felt all over the world. Here, in such a university, I would teach letters, arts, science, agriculture, mechanics, engineering, architecture and everything else needful to develop the mind and equip it to grapple with the problems of life.

#### Without Cost to Taxpayers

The plan proposes in the joint resolution referred to is to authorize the University to issue bonds based upon its endowment of lands and securities with which to secure ample money to erect buildings and acquire additional grounds. The income from these lands and securities has increased under the present management until now it amounts to over \$140,000 per annum. Any bonded indebtedness, whether large or small, will be discharged at its maturity by the creation of a sinking fund of two per cent, annually reinvested. The Legislature ought to provide that as much as three million dollars in University bonds can be issued, and

pledge the income from the endowment fund to meet interest charges, and create a sinking fund of two per cent to discharge the debt at maturity of the bonds. With the State guaranteeing them they can be sold with ease at a premium of twenty-five per cent. With the larger part of the proceeds from the sale of these bonds there should be built a magnificent granite building in place of the fire trap now being used. With the remainder of the proceeds additional ground could be purchased, and dormitories for young ladies erected, giving accomodation and protection to the young womanhood of Texas who desire the educational advantages the University would give them. In addition to the buildings and grounds needed, a student's loan fund ought to be created from which deserving young men and women who are not able to attend the University without aid, may borrow a small sum to assist them in the completion of their education, to be repaid out of the first moneys earned by them after graduation. To my mind this is one of the best features of the proposed new Article 7, which accompanies this message.

#### Issue Bonds to Build

But it can not be expected that great universities and colleges can be built and established out of a mere pittance from each year's taxes. There has been a prejudice against issuing bonds for public improvements, but it is a good sign to note this prejudice is fast passing in this State. In the past it has been denounced by designing men because they could appeal to a certain prejudice because of a want of understanding of the good business of this course. Now, we are paving streets, building good roads, good school houses, and making other great improvements in the cities and counties and school districts, by issuing bonds. These bonds are payable some of them twenty, thirty and forty years hence. The advantage of this course lies in the fact that it furnishes money for the present to supply substantial improvements for the present generation to enjoy and leaves them for the future, but requires of this generation to pay only a small part of the burden by way of interest and sinking fund to pay off the bonds at maturity. This is one of the blessings that will come to the present generation if money is secured in this way to build the University and Agricultural and Mechanical College. These buildings and their equipment property will benefit the present generation, but the present generation will have to pay only its portion of the cost. The improvements will be handed down to our children and they will bear their part of the cost, and so on. The debt will only represent an asset that will be the most valuable we can bequeath to the future.

### Student's Loan Fund

Effort has been made in the past to create prejudice against the University and the Agricultural and Mechanical College. Much that these institutions have needed has been withheld partly in satisfaction of this prejudice. Happily, this kind of demagoguery is passing away. Need for higher education is recognized by all people, and heretofore much of its cost, especially in the case of the University, has been borne out of the revenues coming from the endowment funds. Some effort used to be made to show that the University and the Agricultural and Mechanical College were "rich men's" schools, but this is easily shown to be untrue. Out of a student body of nearly two thousand now attending the University over six hundred young men and young women are working their way through that institution, earning their board by waiting on tables at boarding houses and in other ways. And these young men and young women are honored by the student body and some of them stand at the head of their classes. An institution that affords this opportunity for worthy young men and young women and under such circumstances, can not be said to be discriminating on account of wealth or social conditions. There are more farmers' sons and daughters attending the University, I am told, than even attend the Agricultural and Mechanical College. For worthy young men and young women such as those I have referred to, a student's loan fund should be created from which they could borrow a small sum annually, according to regulations to be prescribed by law or rules of the Board of Regents to aid them in the completion of their education, they being required to pay it back with small interest from their first earnings after graduation. Such a fund would do untold good, as I conceive it, and will bring the University within reach of all.

What I say about the development and improvement of the University applied with equal force to the Agricultural and Mechanical College, the normal schools and the College of Industrial Arts. Fully six hundred thousand dollars have been or will be spent on these institutions for buildings alone for the two fiscal years ending the 31st of next August. If these sums could have been expended toward the erection of a university as I have described, it would have marked a great step toward the end, in establishing an institution of the kind which will endure as long as the government lasts.

### Three Years' Comparison

The following shows the sums of money expended at the University of Texas and at the Agricultural and Mechanical College for



all purposes for the three years named—three fiscal years beginning September 1, 1910:

University of Texas, 1910, \$483,542.00; 1911, \$449,728.00; 1912, \$581,273.00. Total, \$1,514,543.00.

Agricultural and Mechanical College, 1910, \$446,855.67; 1911, \$700,926.82; 1912, \$704,813.00. Total, \$1,852,595.49.

The figures for the University include the medical branch at Galveston.

#### Attendance and Per Capita Cost

The enrollment of the University for the past three years and per capita cost was as follows:

	1910	1911	1912
Enrollment . . . . .	1939	2038	2332
Per capita cost . . . . .	\$248.86	\$214.35	\$300.56

The enrollment at the Agricultural and Mechanical College for three years and per capita cost is as follows:

	1910	1911	1912
Enrollment . . . . .	1080	1129	1001
Per capita cost . . . . .	\$410.75	\$620.84	\$704.10

This difference in the cost per capita of the two institutions is very great and looks unreasonable, but the figures seem to be approximately correct. The figures for both institutions include sums expended for buildings, maintenance and everything else.

#### Business Managers

These figures show conclusively the importance of creating the office of business managers for the University and the Agricultural and Mechanical College. It is out of the question for the Boards of Regents and Trustees of these colleges to give the necessary time and attention to the business affairs of the institutions that they need. I am advised that the Board of Regents of the University have determined to establish the position of business manager for that institution, and the Agricultural and Mechanical College should follow the example. These business managers should be provided for by law and their duties defined. Notwithstanding the large appropriations for the Agricultural and Mechanical College by the last Legislature and the heavy deficiencies granted for building, the Board of Trustees report a deficiency in the upkeep account of over \$87,000.00. They frankly admit to me that this could have been avoided with judicious business management.

I earnestly ask the favorable consideration of the Legislature of this great question. It is one of transcendent importance, and if the recommendations made are carried out it will result in everlasting benefit to this as well as future generations of Texans. The proposed constitutional amendment hereto attached and made a part of this message, if submitted promptly and adopted will lay the foundation of a great system of education.

[See H. J. R. 28 below.]

February 10, 1913, H. J., p. 546; S. J. p. 540

In the message to you under date of February 5, discussing public education, I gave figures showing the total expenditures by the University of Texas, and by the Agricultural and Mechanical College, the total attendance for the three school years beginning September 1, 1910, 1911, and 1912, and the average cost per capita for students enrolled.

I called upon the Presidents of these institutions for information upon which the per capita cost, as stated in the message, was based, but the figures used are inaccurate, and I have revised them and eliminated the attendance upon the summer sessions of the University and corrected the enrollment of the Agricultural and Mechanical College, and ask that the Senate Journal on page 351, and House Journal on page 436 be corrected so as to read as follows, under the subheading "Attendance and per Capita Cost":

	1910	1911	1912
Enrollment at University.....	1939	2038	2332
Per capita cost.....	\$248.86	\$214.35	\$300.56

The enrollment at the Agricultural and Mechanical College for three years and per capita cost is as follows:

	1910	1911	1912
Enrollment .....	1080	1129	1001
Per capita cost.....	\$410.75	\$620.84	\$764.10

Respectfully submitted,

O. B. COLQUITT,  
Governor of Texas.

The Speaker stated that if there was no objection, the Journal Clerk would be instructed to make the corrections requested by the Governor.

No objection was offered.

#### PROCEEDINGS IN THE LEGISLATURE

H. B. 256—By Messrs. Burges and Harris.

To provide for the development of the minerals in public lands owned by the State or sold with reservation of the minerals therein.

Passed House. H. J., p. 2049; S. J., p. 1774.

H. B. 307—By Mr. Jordan.

To require fire drills in schools and colleges.

Passed House. H. J., p. 2051; S. J., p. 1775.

H. B. 333—By Messrs. Harris, Grindstaff, Humphrey, Patton, Ussery, Stone, Barret of Titus, Burns, Coffey and Fields.

To abolish fraternities in the University of Texas.

Printed. H. J., p. 2052.

H. B. 342—By Messrs. Wagstaff, Henry, Householder, and Haney.

To establish a department of dentistry in the University of Texas.

Referred to Committee on Education. H. J., p. 2052.

H. B. 349—By Messrs. Burges and Harris.

To create a State School of Mines and Metallurgy.

Favorably reported, H. J., p. 2052.

H. B. 406—By Messrs. Burges and Rowell.

Relating to the governing board of the University of Texas and of the State Normal Schools.

Favorably reported. H. J., p. 2056.

H. B. 446—By Messrs. Wagstaff, Henry, Householder, Haney, and Macgill.

To establish a department of dentistry in the University of Texas.

Referred. H. J., p. 2058.

H. B. 468—By Mr. Haney.

To empower the Board of Regents of the University of Texas to prescribe the designation and organization of the several schools of said institution.

Favorably reported. H. J., p. 2059.

H. B. 471—By Messrs. Jordan, Dove, and Walker.

To prohibit the practice of hazing in the State educational institutions.

Adversely reported. H. J., p. 2059.

H. J. R. 18—By Messrs. Calvin and Hill.

To amend Sections 49 and 52 of Article 3 of the Constitution authorizing the issuance of bonds and the levying of a tax to pay the interest and sinking fund on same for public improvements.

Favorably reported. H. J., p. 2083.

H. J. R. 23—By Messrs. Terrell and Haney.

To provide for a more efficient system of public education.

Referred. H. J., p. 2084.

H. J. R. 28—By Messrs. Terrell, Haney, Fountain, Yarbrough, Foster, Humphrey, Bruce, Burges, and Macgill.

To provide for a more efficient system of public education.

Failed after Free Conference Committee agreed. H. J., p. 2084; S. J., p. 1789.

[Sections 9-14 of this Joint Resolution, which was also part of the Governor's message of February 5, read as follows:]

Sec. 9. The Legislature shall provide for the establishment and organization of the University of Texas; and, for its development, maintenance and support, shall make, by special tax levy, and by appropriation of same and by University bond issue, or by any or all of them, such provision in addition to that heretofore made and made herein, as may be necessary for the promotion of literature and the arts and sciences, pure and applied, in a university of the first class. A Board of Regents, composed of nine members, to be appointed by the Governor, is hereby created, and it shall have general executive control of the University of Texas. The Board of Regents shall designate the officers of administration and instruction; shall determine their salaries and the compensation of all employees; establish departments, subdivisions, libraries, laboratories, experiment and research organizations and other agencies for higher education and research; shall set aside and create out of university revenues a student loan fund as may be provided by law, and perform other duties as the Legislature may prescribe.

Sec. 10. The principle of all bonds and other funds, all lands and other property, and the principle arising from the sale of lands heretofore set apart for the University of Texas, shall constitute the permanent University fund. All the interest derivable therefrom, and the taxes herein authorized to be levied, shall be the available fund, and shall be annually applied to the support of the University of Texas and to meet its obligations. The purchase price or the proceeds from the sale of the University lands shall be invested as now authorized by law for the investment of the permanent school fund, or in real estate and improvements thereon. The Board of Regents, with the concurrence of the Governor, are hereby authorized to issue bonds to be signed and sold by the Governor to acquire additional grounds and for the erection of adequate buildings, and may secure such bonds by pledging any part or all of the permanent fund of the University of Texas. The income from and the interest on the permanent University fund, and on deferred payments from the sale of University lands, are appropriated and upon receipt shall be available for creating a sinking fund with which to redeem bonds at maturity, and to pay interest on same, and for the development, maintenance and support of the University. The one-tenth of the alternate sections of the lands granted to railroads, reserved by the State, which were set apart and appropriated to the establishment of the University of Texas, by an act of the Legislature of February 11, 1858, entitled "An Act to establish 'The University of Texas'," shall not be included in or constitute a part of the permanent University fund.



Sec. 11. The two million acres of land heretofore set apart by the original Section 15, of Article 7 of the Constitution and by the Act of April 10, 1883, are hereby set apart and appropriated for the endowment, maintenance and support of the University of Texas; and said lands shall be sold under the same regulations and the proceeds invested in the same manner as provided for the sale and investment of the other parts of said permanent University fund. All lands heretofore granted and set aside for the benefit of the lunatic, blind, deaf and dumb and orphan asylums, and the accumulations from same, are hereby transferred and set apart as an additional endowment fund for the University of Texas, and the income from same is hereby made available for its support, and said lands shall be under the management and control of the Board of Regents of the University. The Legislature may provide for the sale of these lands and the investment of the proceeds in the manner as provided for the sale and investment of school lands in Section 4 of this article, and the Legislature shall not have the power to grant any relief to the purchasers of said lands.

Sec. 12. The Agricultural and Mechanical College of Texas is hereby constituted an independent college. The Legislature shall provide for its establishment and organization, and for its development, maintenance and support shall make, by tax levy, and appropriation of same by Agricultural and Mechanical College bond issue, or by any or all of them, such provision, in addition to that heretofore made and made herein, as may be necessary for the accomplishment of the leading object and design in establishing said Agricultural and Mechanical College, which, without excluding engineering and classical studies, shall be to teach and develop those branches of learning related to agriculture, the mechanical arts, and the natural sciences connected therewith, and military tactics and science. The Prairie View Normal School and Industrial College for Colored Youths is hereby established and made a branch of the Agricultural and Mechanical College of Texas. A board of regents, composed of nine members, is hereby created. The board of regents shall have general executive control of the Agricultural and Mechanical College of Texas and shall be appointed by the Governor. The board of Regents shall designate the officers of administration and instruction; shall determine their salaries and the compensation of all employees; establish departments, subdivisions, libraries, laboratories, experiment and research organizations, and other agencies for higher education and research; shall set aside and create out of the Agricultural and Mechanical College revenues a student loan fund, as may be provided by law, and perform such other duties as the Legislature may prescribe.

Sec. 13. There is hereby transferred and made a part of the permanent fund of the Agricultural and Mechanical College, either

four hundred thousand acres of land of average value taken from the two million acres heretofore owned by, and set apart to the University of Texas, and selected by a commission of three, one of whom shall be chosen by the governing board of the University, another of whom shall be chosen by the governing board of the Agricultural and Mechanical College, and the third of whom shall be chosen by the Governor of the State; or, at the option of said commissioner representing the Agricultural and Mechanical College in lieu of said four hundred thousand acres of land, or any part thereof, securities owned by the University of Texas, adjudged by said commission of three to be equivalent in value of said four hundred thousand acres of land or any part thereof.

Sec. 14. The land herein set apart to the University of Texas, and to the Agriculture and Mechanical College of Texas, shall be sold under such regulations, at such times and on such terms as may be provided by law. The Legislature shall provide for the prompt collection, at maturity, of all debts due on account of University and Agricultural and Mechanical College lands heretofore sold, or that may hereafter be sold, and shall in neither event have the power to grant relief to the purchaser. . . .

H. J. R. 39—By Mr. Haney.

To amend the Constitution of Texas so as to provide a more efficient system of public instruction.

Favorably reported. H. J., p. 2084.

S. B. 93—By Mr. Brelsford.

To require the Board of Regents of the University of Texas to establish a department of dentistry.

Referred. S. J., p. 1728.

S. B. 128—By Mr. Hudspeth.

To provide for prospecting and developing minerals on land owned by the State or by the various State funds.

Became law after amendments. S. J., p. 1730; H. J., p. 2092.

S. B. 183—By Mr. Gibson.

To create a State School of Mines and Metallurgy.

Became a law after amendment. S. J., p. 1735; H. J., p. 2094.

S. B. 203—By Messrs. Darwin and Astin.

To fix the number of members constituting the governing board of the University, Agricultural and Mechanical College, the College of Industrial Arts, and State Normal Schools.

Became a law, after amendment. S. J., p. 1736; H. J., p. 2094.

S. B. 222—By Mr. Nugent.

To prohibit the practice of hazing in the State educational institutions.

Became a law. S. J., p. 1738; H. J., p. 2095.

S. J. R. 4—By Mr. Terrell.

To amend Section 52 of Article 3 of the Constitution.

See S. J. R. 18, S. J., p. 1757; H. J., p. 2102.

S. J. R. 17—By Messrs. Hudspeth, Gibson, Bailey, Astin, Murray, Darwin, Carter, Cowell, Watson, Wiley, Terrell, Westbrook.

To perfect the system of public education. -

S. J., p. 1758.

[Same as H. J. R. 28.]

S. J. R. 18—By Mr. Weinert et al.

To amend Sections 49 and 52 of Article 3 of the Constitution authorizing issuance of bonds for public improvements.

Submitted after amendment. S. J., p. 1758; S. J., p. 2102.

[Numerous petitions opposing the consolidation of the A. and M. College and University were received from the A. and M. College students, from the president of the Farmers' Congress, and from the citizens of various localities.]

### GENERAL LAWS

#### S. B. 203, Ch. 103, pp. 191-192

An Act fixing the number of members constituting the governing boards of the University of Texas, the Agricultural and Mechanical College of Texas, the Normal Colleges, the College of Industrial Arts for Women, the Blind Institute, the Deaf and Dumb Institute, the Deaf, Dumb and Blind Institute for Colored Youths, the Confederate Home, the Confederate Woman's Home, the State Asylums for the Insane, the State Epileptic Colony, the State Orphan's Home; fixing the term of office of members of such boards; and declaring an emergency.

SECTION 1. The Board of Regents of the University of Texas shall be composed of nine persons, who shall be qualified voters; the Board of Directors of the Agricultural and Mechanical College of Texas shall be composed of nine persons, who shall be qualified voters; the State Board of Regents of the Normal Colleges shall be composed of six persons, who shall be qualified voters; the Board of Regents of the College of Industrial Arts for Women shall be composed of six persons, three of whom may be women; the Board of Managers of the Blind Institute, the Deaf and Dumb Institute, the Deaf, Dumb and Blind Institute for Colored Youths, the Confederate Home, the Confederate Woman's Home, of each of the Insane Asylums, the Epileptic Colony and the Orphans' Home, shall each be composed of six members who shall be qualified voters.

SEC. 2. The members of the governing board of each of the State institutions of higher education mentioned in Section 1 shall be selected from different portions of the State, and shall be nominated by the Governor and appointed by and with the advice and consent of the Senate. In event of a vacancy on said Board, the Governor shall fill said vacancy until the convening of the Legisla-

ture and the ratification by the Senate. The members of each of said boards who shall be in office at the time this Act takes effect shall continue to exercise their duties until the expiration of their respective terms, as shall be determined according to requirements of Section 3 of this Act, and additional members shall be appointed in the manner prescribed herein to fill out the membership herein provided for.

SEC. 3. The following members of the several governing boards shall be divided into equal classes, numbered one, two and three, as determined by each board at its first meeting after this Act shall become a law, these classes shall hold their offices two, four and six years respectively, from the time of their appointment. And one-third of the membership of each board shall hereafter be appointed at each regular session of the Legislature to supply the vacancies made by the provisions of this Act and in the manner provided for in Section 2, who shall hold their offices for six years, respectively. The duties of the several governing board shall be determined by law heretofore enacted or that may hereafter be enacted, no changes in the said duties being made by this Act.

Approved April 2, 1913.

**S. B. 222, Ch. 117, pp. 239-241**

**An Act to prohibit the pernicious practice of "hazing" in the State educational institutions, to provide penalties therefor, to provide for the dismissal of teachers, instructors, members of faculties, officers and directors of such State institutions who permit such practices, for their ineligibility for service as such teachers, instructors, members of faculties, and officers and directors for a term of years thereafter, repealing all laws and parts of laws in conflict herewith, and declaring an emergency.**

SECTION 1. That it shall be unlawful for any student of the University of Texas, of the A. & M. College of Texas, of any normal school of Texas, or of any other State educational institution of this State, to engage in what is commonly known and recognized as hazing, or to encourage, aid, or assist any other person thus offending.

For the purpose of making plain what is meant herein by "hazing," same is defined as follows:

(a) Any wilful act by any one student alone or acting with others, directed against any other student of such educational institution, done for the purpose of submitting such student made the subject to the attack committed, to indignity or humiliation, without his consent.

(b) Any wilful act of any one student alone, or acting with others, directed against any other student of said educational institution, done for the purpose of intimidating such student attacked



by threatening such student with social or other ostracism, or of submitting such student to ignominy, shame, or disgrace among his fellow students, and acts calculated to produce such results.

(c) Any wilful act of any one student alone, or acting with others, directed against any other student of such educational institution, done for the purpose of humbling, or that is reasonably calculated to humble the pride, stifle the ambition, or blight the courage of such student attacked, or to discourage any such student from longer remaining in such educational institution or to reasonably cause him to leave such institution rather than submit to such acts.

(d) Any wilful act by any one student alone, or acting with others, in striking, beating, bruising or maiming; or seriously offering, threatening, or attempting to strike, beat, bruise or maim, or to do or seriously offer, threaten, or attempt to do physical violence to any student of any such educational institution, or any assault upon any such students made for the purpose of committing any of the acts, or producing any of the results to such student as defined in subdivisions (a), (b), or (c) of this Section.

SEC. 2. It shall be unlawful for any teacher, instructor, member of any faculty, or any officer or director, or a member of any governing board of any of such educational institutions to knowingly permit, encourage, aid, or assist any student in committing the offense of hazing, or to wilfully acquiesce in the commission of such offense, or to fail to promptly report his knowledge or any reasonable information within his knowledge of the presence and practice of having [hazing] in the institution in which he may be serving, to the executive head or governing board of such institution, and any act of omission or commission shall be deemed "hazing" under the provisions of this Act.

SEC. 3. Any student of any of the said State educational institutions of this State who shall commit the offense of hazing, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by fine of not less than twenty-five dollars nor more than two hundred and fifty dollars, or shall be confined in the county jail for not less than ten days nor more than three months, or by both such fine and imprisonment.

SEC. 4. Any teacher, instructor, or member of any faculty or officer or director of any such educational institution who shall commit the offense of hazing shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than fifty dollars or not more than five hundred dollars, or shall be imprisoned in the county jail for a period of not less than thirty days or not more than six months, or by both such fine and imprisonment, and in addition thereto, shall be immediately discharged and removed from his then position or office in such

institution, and shall thereafter be ineligible to reinstatement or re-employment as teacher, instructor, member of faculty, officer, or director in any such State Educational institution for a period of three years.

SEC. 5. It is especially provided in this Act that nothing herein shall be construed as in any manner affecting or repealing any of the laws of this State respecting homicide, or murder of any degree, manslaughter, assault with intent to murder, or aggravated assault.

SEC. 6. That all laws and parts of laws in conflict herewith as hereinafter [herinbefore] especially provided, be and the same are hereby in all things repealed.

SEC. 7. The fact that there is not now any adequate law to prevent or stamp out the pernicious and dangerous practice of hazing in our State educational institutions, where the same has been or may hereafter be indulged in, and which practice is so seriously menacing and calculated to menace the success, welfare, development, and usefulness of such educational institutions, and calculated to lower the moral and intellectual standard of the students thereof, creates an emergency and an imperative public necessity requiring that the constitutional rule providing that bills be read on three several days be suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Approved April 3, 1913.

**S. B. 128. Ch. 173, pp. 409-419**

An Act relating to prospecting and developing minerals on land owned by the State of Texas, by the public free school fund and University and Asylum funds, and upon such land as the State has heretofore sold or may hereafter sell with reservation of the mineral therein and upon such land as may have been purchased with the waiver of mineral rights; and also the prospecting and development of minerals in fresh water lakes and in islands, bays, marshes, reefs, and salt water lakes; relating to the disposition of the minerals and mineral rights therein; authorizing the lease of such lands and the mineral rights therein; providing royalties and other compensation to be paid to the State therefor; appropriating to certain funds the proceeds arising from such development; authorizing the adoption of rules and regulations to carry out the provisions of this Act; providing penalties for violations of the provisions of this Act; prescribing terms upon which, and the method by which, access to mineral deposits may be acquired by condemnation or otherwise; repealing Chap-

ter 1, Title 93, of the Revised Civil Statutes adopted in 1911, and declaring an emergency.

[No University lands have been so far affected by this law, which is therefore omitted.]

Approved April 9, 1913.

**S. B. 183. Ch. 178, pp. 427-429**

An Act creating a State School of Mines and Metallurgy, for the purpose of teaching the scientific knowledge of mining and metallurgy in the State of Texas, to the end that the mineral wealth, oil, etc., may be developed upon the State school lands of this State, and declaring an emergency.

SECTION 1. A School of Miners [Mines] and Metallurgy is hereby created for the State of Texas; said to be located and established in or near the City of El Paso provided citizens of the City of El Paso shall make and execute unto the State of Texas a deed to the tract of land comprising twenty-one acres of land, more or less, now comprised in the reservation of the El Paso Military Institute, adjacent to the Fort Bliss Military Reservation, together with the buildings and improvements thereon situated, to be used for the site and exclusive occupancy of said school. Said school shall be under the supervision of the Board of Regents of the University of the State of Texas and the faculty of said school shall be appointed by the Board of Regents of the University of Texas within ninety days after this Act shall take effect, and such appointees shall hold their positions for a term of two years and until their successors are appointed and qualified.

SEC. 2. The principal purpose of said school of miners [mines] shall be to teach such branches in mining and metallurgy as will give a thorough technical knowledge of mines and mining, and all subjects pertaining thereto, including physics and mining, engineering, mathematics, chemistry, geology, minerology, metallurgy, the subject of shop work and draining, drawing, the technical knowledge of properties of mine gases, assaying, surveying, drafting of maps and plans, and such other subjects pertaining to mining engineering as may add to the safety and economical operation of miners [mines] within this State.

SEC. 3. The Schools of Miners [Mines] and Metallurgy herein provided for, shall have a separate and distinct faculty.

SEC. 4. The faculty of the School of Miners [Mines] and Metallurgy shall have the power, under the direction of the Board of Regents herein provided, to confer degrees and issue diplomas and fix a standard of grades for all students attending said school of miners [mines,] and the faculty will also have the power to make

such rules and regulations for the proper control and management of the school as they may deem necessary.

SEC. 5. The School of Miners [Mines] and Metallurgy shall have regular courses leading to degrees, and such other special courses as the faculty may deem necessary. The regular course shall extend over a period of two years.

SEC. 7. At the close of each school year the Board of Regents shall require the faculty of said school to make a report to them of the workings and progress of said school, and the Board of Regents in turn shall make a report to the Governor in detail, exhibiting the progress, condition and wants of the several departments of instruction in said school. The course of study in each and the number of names of the officers and students, the amount of receipts and disbursements, together with the nature, cost and results of all important experiments and investigations, and such other matters, including special industrial and economical statistics as may be thought useful. The Board of Regents shall cause the same to be printed for the use of the Legislature and the people of the State, and shall cause one copy of same to be transmitted by mail to the Secretary of the Interior and one copy to the Commissioner of Labor at Washington City, and one copy to the Commissioner of Labor and Chief Mine Inspector of the State.

SEC. 8. The Board of Regents as herein provided shall fix the terms and tuition to be charged students in this school, and all moneys received from said tuition as or in any way from said school, over and above that necessary for the actual maintenance and carrying on of said school shall be returned to the State Treasury to reimburse the State for the appropriation now made.

SEC. 9. For the purpose of putting this school in operation there is hereby appropriated out of any money in the State Treasury, not otherwise appropriated, the sum of fifteen thousand dollars for the use and benefit of said School of Miners [Mines] and Metallurgy, and the State Comptroller is hereby empowered, authorized and directed to issue warrants upon the State Treasury to the State Treasurer for the payment of the sum herein appropriated to the said Board of Regents, herein created for the location, support, and maintenance of said School of Miners [Mines] and Metallurgy.

Approved April 16, 1913.

S. J. R. 18, pp. 457-458

To be entitled a joint resolution proposing and submitting to a vote of the people of Texas an amendment to Sections 49 and 52 of Article 3 of the Constitution, authorizing the issuance of bonds and the levying of a tax to pay the interest and sinking fund on same for public improvements.



SECTION 1. That Sections 49 and 52 of Article 3 of the Constitution of Texas be amended so as to hereafter read as follows, to wit:

Section 49. No debt shall be created by or on behalf of the State except to supply casual deficiencies of revenue, repel invasion, suppress insurrection and defend the State in war or pay existing debts, and no debt created to supply deficiencies in current revenues shall ever exceed in the aggregate at any one time \$500,000.00. The Legislature however shall have power to authorize the issuance of bonds to be approved by the Governor for the purpose of purchasing additional ground and erect necessary buildings for the University of Texas including a medical department and an Agricultural and Mechanical College and all departments and activities of a complete university of the first class. The revenue received from the permanent University fund shall be available for the payment of interest on these bonds and for the creation of a sinking fund for their redemption at maturity and the Legislature shall also have power to issue bonds for the construction of necessary buildings for State institutions. The Legislature shall also have the power to authorize the issuance of bonds secured by lien on the real property of the penitentiary system to be approved by the Governor for the purpose of constructing buildings and making permanent improvements.

Section 52. The Legislature shall have no power to authorize any county, city, town or other political corporation or subdivision of the State to lend its credit or to grant public money or thing of value in aid of or to any individual, association or corporation whatsoever or to become a stockholder in such corporation, association or company; provided, however, that under legislature provisions any county, any political subdivision of a county, any number of adjoining counties or any political sub-division of the State or any defined district now or hereafter to be described and defined within the State of Texas and which may or may not include towns, villages or municipal corporations upon a vote of a majority of the resident *property* taxpayers voting thereon who are qualified electors of such district or territory to be affected thereby in addition to all other debts may issue bonds or otherwise lend its credit in any amount not to exceed one-fourth of the assessed valuation of the real property of such district or territory, except *in case of improvement of rivers, creeks, and streams, in building of levees to prevent overflows, in which case the bonded indebtedness may be for an amount not to exceed one-half of the assessed valuation of the lands of the district to be reclaimed; and, except further,* that the total bonded indebtedness of any city or town shall never exceed the limits imposed by other provisions of this Constitution, and levy and collect *such* taxes to pay the interest thereon and provide a sinking fund for the re-

demption thereof as the Legislature may authorize and in such manner as it may authorize the same for the following purposes, to wit:

(a) The improvement of rivers, creeks and streams to prevent overflows, and to permit of navigation thereof or irrigation therefrom or in aid of such purposes.

(b) The construction and maintenance of pools, lakes, reservoirs, dams, canals and waterways for the purposes of irrigation, *drainage* or navigation or in aid thereof.

(c) The construction, maintenance and operation of *bridges and* macadamized, graveled, *sandy-clay, or clayed-sand* or paved roads and turn-pikes, or in aid thereof.

(d) The construction, maintenance, and operation of public warehouses or in aid thereof.

[Storing, handling, classing, measuring, weighing, elevating and loading agricultural products. Provided the Legislature may establish such means and agencies as may be necessary for accomplishing the purpose of this amendment and if a State warehouse commission be provided for their term of office shall be fixed by the Legislature.]

Sec. 2. [Provides for the election to be held on the third Saturday in July, 1913, and provides the form of ballot.]

Sec. 3. [Provides that the Governor issue the election proclamation and appropriates \$5000 for the expenses of the election.]

Passed Senate, 21 to 3; House, 113 to 2. Approved March 25, 1913.

[S. J. R. 4 differs from S. J. R. 18 only in that it lacks the words italicised above, and has in addition the passages enclosed in brackets.]

[At the election held July 19, 1913, three proposed constitutional amendments were voted upon: Section 7, Article 5; Section 58, Article 16; Sections 49 and 52, Article 3. Each amendment was defeated: the first, providing additional qualifications for District Judges, 25,329 to 112,548; the second, providing a salary as compensation of State and county officers, 29,367 to 108,254; the third, 19,745 to 120,734.]

Report of the Secretary of State, 1914, pp. 142-145.

# THIRTY-THIRD LEGISLATURE, FIRST CALLED SESSION, JULY 21 TO AUGUST 19, 1913

## MESSAGE OF GOVERNOR O. B. COLQUITT

August 12, 1913; H. J., p. 264; S. J. p. 280

I submit the following additional subjects for legislation:

22. The passage of a bill to be entitled, "An Act providing for the construction of necessary buildings for the University of Texas; for the raising of the necessary funds for such purpose by the creation of the University Texas Building Fund out of the income of the permanent University endowment and other revenue producing funds and out of the other sources of revenue from properties of the University and the issuance and sale of certificates against said University of Texas Building Fund so created; and authorizing the expenditure of the proceeds of said certificates in payment for the construction of the buildings authorized and permitted under the act; creating the Board of Building Commissioners, whose duty it is to supervise the construction of the necessary buildings under the act and the expenditure of the funds provided therefor, and further defining the duties and authority of said Board of Building Commissioners and fixing their salary; prescribing certain duties for carrying into effect the provisions of this act of the Governor of the State, the Attorney General, the Superintendent of Public Instruction, the President of the University of Texas and the President of the Board of Regents of the University of Texas, and conferring certain authority upon the Board of Regents of the University of Texas; making an appropriation of funds derived from the sale of the certificates herein provided for for the erection of the buildings and carrying out the provisions of this act, and declaring an emergency.

## PROCEEDINGS IN THE LEGISLATURE

H. B. 14—By Mr. Wortham.

Educational appropriation bill.

Became a law after Free Conference Committee. H. J., p. 544; S. J., p. 603.

H. B. 46—By Messrs. Rowell, Blalock, and Furrh:

To provide for the development of the minerals in the public lands.

Became a law. H. J., p. 546; S. J., p. 604.

S. B. 29—By Mr. Nugent.

To prohibit the creation of deficiencies by the regents and boards of managers of the various institutions of the State.

Became a law. S. J., p. 596; H. J., p. 552.

S. B. 37—By Mr. Carter.

To develop minerals on the public lands.

Favorably reported. S. J., p. 597.

S. B. 39—By Mr. Warren.

To provide for sufficient funds for the construction of necessary buildings for the University.

Endowment income between 1913 and 1928 to be the basis for issuing not over \$2,000,000 of bonds bearing 5 per cent interest, proceeds from the sale of the bonds to be used to build a main building to cost not less than \$1,250,000, a dormitory for 1000 girls, etc., under the supervision of an architect of national reputation.

Passed Senate. S. J., p. 598.

#### **August 13, 1913; S. J. p. 310**

A petition numerously signed by citizens of Center urging liberal appropriations for the State University.

### **GENERAL LAWS**

#### **H. B. 46; Ch. 18, pp. 26-28**

An Act to amend Sections 3, 4, and 10 of Chapter 173 of the Acts of the regular session of the Thirty-third Legislature of the State of Texas, approved April 9, 1913, and entitled an act relating to prospecting and developing minerals on land owned by the State of Texas, by the public free school fund and University Asylum funds, and upon such land as the State has heretofore sold or may hereafter sell with reservation of the mineral therein and upon such land as may have been purchased with the waiver of mineral rights; and also the prospecting and development of minerals in fresh water lakes and in islands, bays, marshes, reefs, and salt water lakes; relating to the disposition of the minerals and mineral rights therein; authorizing the lease of such lands and the mineral rights therein; providing royalties and other compensation to be paid to the State therefor; appropriating to certain funds the proceeds arising from such development; authorizing the adoption of rules and regulations to carry out the provisions of this Act; prescribing terms upon which, and the method by which, access to mineral deposits may be acquired by condemnation or otherwise; repealing Chapter 1, Title 93, of the Revised Civil Statutes adopted in 1911, and declaring an emergency.



[No University lands have so far been affected by this law, which is therefore omitted.]

**S. B. 29; Ch. 22, pp. 32-33**

An Act to prohibit the creation of deficiencies or debt in the name of the State by regents, directors, officers or members of governing boards of any of the educational or eleemosynary institutions of the State of Texas; to prohibit the making of any contract or of the creating of any debt inconsistent with the existing laws, making invalid all such contracts and debts, prohibiting the diverting of funds, providing for penalties for violations of this act, repealing all laws, and parts of laws in conflict herewith, and declaring an emergency.

SECTION 1. That it shall hereafter be unlawful for any regent, or regents, director or directors, officer or officers, member or members, of any educational or eleemosynary institution of the State of Texas, to contract or provide for the erection or repair of any building, or other improvement or the purchase of equipment or supplies of any kind whatsoever for any such institution, not authorized by specific legislative enactment, or written direction of the Governor of this State acting under and consistent with the authority of existing laws, or to contract or create any indebtedness or deficiency in the name of or against this State, not specifically authorized by legislative enactment, or to divert any part of any fund provided by law to any other fund or purpose than that specifically named and designated in the legislative enactment creating such fund, or provided for in any appropriation bill.

SEC. 2. That any and all contracts, debts, or deficiencies created contrary to the provisions of this act shall be wholly and totally void, and shall not be enforceable against this State.

SEC. 3. That any regent, director, officer or member of any governing board of any educational or eleemosynary institution, who shall violate this act shall be at once thereafter removed from his position with such institution, and shall not thereafter be eligible to hold said position and in addition thereto shall be guilty of a misdemeanor, and shall be punished by imprisonment in the county jail for a period of not less than ten days, nor more than six months, the venue of such case to be in the county in which may be located the institution affected by such acts of such offender.

SEC. 4. That all laws and parts of laws in conflict herewith be, and the same are in all things repealed.

Approved August 19, 1913.

**H. B. 14; Ch. 43, pp. 180-181**

An Act making appropriations to pay the salaries of officers and employes of certain educational institutions and other ex-

penses of maintaining and conducting them, as follows, to wit: University of Texas; Agricultural and Mechanical College; State Experiment Station; Prairie View Normal; College of Industrial Arts for Women; San Houston Normal Institute; North Texas State Normal; Southwest Texas Normal School, and West Texas Normal School, and declaring an emergency.

*The University of Texas*

For the Years Ending  
Aug. 31, 1914 Aug. 31, 1915

For the maintenance, support and direction of the University of Texas, including the Medical Department at Galveston, including repairs, extensions, improvements and buildings for the years beginning September 1, 1913, and ending August 31, 1915; all the available University funds, including interest from its bonds and land notes, endowments and donations, all gifts and fees collected and all receipts whatsoever from any source.

Provided, however, that the Board of Regents of the University of Texas shall set aside and appropriate out of the income from the permanent University fund the sum of \$65,000 to be expended by said Board of Regents for the erection of a nurse's home in connection with the John Sealy Hospital at Galveston, Texas.

For the maintenance, support and direction of the University of Texas, including the Medical College at Galveston, for the two years beginning September 1, 1913, and ending August 31, 1915, from the general revenue.....\$658,300.00 \*\$700,250.00  
\*Vetoed by the Governor.

*Bureau of Economic Geology and Technology*

For field work, printing bulletins of artesian and other underground waters, preparation of general report on the

mining resources of the State, preparation of a geological and mineral map of the State, for the completion of work on the fuels of the State, for publications, mapping, help, etc.....	*12,500.00	12,500.00
Total. . . . .	\$670,800.00	\$712,750.00

The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no expenditures shall be made, nor shall any obligations be incurred which, added to the actual expenditures, will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 4342 of Chapter 2, Title 65 of the Revised Civil Statutes of 1911.

[The appropriations for A. & M. College are subject to substantially the same proviso as that found in Chapter 98, General Laws of the Twenty-third Legislature, Regular Session.]

### **Executive Veto by O. B. Colquitt**

**August 23, 1913; pp. 276-277**

#### *The University of Texas*

(1) On page 2, under the head of "University of Texas," is the following item: "For the maintenance, support and direction of the University of Texas, including the Medical College at Galveston, for the two years beginning September 1, 1913, and ending August 31, 1915, from the general revenue," \$658,300.00 for the fiscal year ending August 31, 1914, and \$700,250.00 for the fiscal year ending August 31, 1915. The item of \$700,250.00 for the fiscal year ending August 31, 1915 is objected to and disapproved. The appropriations made for the support of the University are in lump sums, and being so arranged I am compelled to take the course herein adopted. In a conversation with responsible officers of the University and others interested therein I indicated a willingness to approve an appropriation of \$548,000.00 for each fiscal year, that sum being stated in the bulletin of the University of Texas which contains the biennial report of the Board of Regents, as the present running expenses of the University. I was extremely desirous of doing all that good business prudence would justify, to the end that the income of the University from its endowment for the next two years might all be applied to the payment of the cost

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\*Vetted by the Governor.

of constructing suitable and durable buildings for the University. Ignoring this disposition and desire upon my part, the appropriation has been so arranged as to force me, as already stated, out of business prudence, to disapprove the appropriation for the second year. However, by the wording of the appropriation the \$658,300.00 for the first year is available also for the second. This lump sum is only \$10,000.00 less than the combined appropriation for the two previous fiscal years. It is 100 per cent greater than the amount appropriated for any other like two years for the support of the University, except for the first two years of my term as Governor. At the proper time I shall be glad to entertain an application for a reasonable amount of deficiency to supplement the appropriation herein approved.

[The \$658,300 appropriation for the first year was not available for the second, according to independently written opinions of Judges Leroy G. Denman, Victor L. Brooks and others.]

(2) On page 2 is the following item: "Bureau of Economic Geology and Technology—for field work, printing bulletins of artesian and other underground waters, preparation of general report of the mining resources of the State, preparation of a geological and mineral map of the State, for the completion of work on the fuels of the State, for publications, mapping, help, etc." \$12,500.00 for each of the fiscal years ending August 31, 1914, and August 31, 1915. The item of \$12,500.00 for the fiscal year ending August 31, 1914 is objected to and disapproved.

## **THIRTY-FOURTH LEGISLATURE, REGULAR SESSION, JANUARY 12 TO MARCH 20, 1915**

### **MESSAGE OF GOVERNOR O. B. COLQUITT**

**January 12, 1915; H. J. pp. 23-27; S. J. pp. 37-42**

. . . . .

### **Not Subject to Political Changes**

In taking the Governor's Office, I urged upon the Legislature the submission of an amendment to the Constitution providing for a six year term of office for persons appointed as members of the Boards of Managers of educational and eleemosynary institutions. This amendment was submitted to the people, and adopted by them. The Legislature has carried into effect the mandate of the people by passing a law making the terms of office for members of the boards of managers and boards of regents of educational and



eleemosynary institutions six years; providing that the board of regents and board of managers of the University and Agricultural and Mechanical College should consist of nine persons; of the other educational and eleemosynary institutions, of six persons. The law provided that members of these boards now holding office should cast lot for the two, four and six-year terms, so the terms of one-third of the members of the boards would expire every two years. The purpose of this law is to prevent the subjection of these institutions to political changes or changes in the Executive Department, leaving managers free to select men best suited for active management and control of them, without regard to political influence or political changes in the State government. This is a very wholesome provision, and it is hoped that its beneficial purposes will be fully realized.

. . . . .

Cost of Maintenance

The cost of maintaining the institutions of higher learning in Texas for the present fiscal year is shown below:

University. . . . .	\$741,068.84
A. & M. . . . .	419,461.29

. . . . .

Cost of Salaries

The amount paid in salaries to professors and all other employes of the educational institutions named below for the fiscal year ending August 31, 1914, is as follows:

University of Texas. . . . .	*\$482,082.50
Agricultural and Mechanical College. . . . .	315,818.00
College of Industrial Arts. . . . .	52,000.00

. . . . .

Comparative Salary List

We hear much talk about inadequate appropriations for the State's institutions of higher learning. In making complaints, comparison is usually made with State Universities like those of Illinois, Wisconsin, Minnesota and California. In these States the university proper, the Agricultural and Mechanical College, State normal schools, military academies, State mining schools and colleges of industrial arts are all combined in one University. The combined cost of these institutions in Texas for the current year is \$1,502,354.82.

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\*\$419,523.07 in H. J.

Salaries paid to officers and professors and employes of the eight institutions of higher learning in Texas, as compared with the sums paid for the same service in states where all these institutions are combined in one university, is instructive, and have been compiled as follows:

Texas. . . . .	\$1,105,126.58
California. . . . .	781,388.61
Illinois. . . . .	1,168,209.45
Minnesota. . . . .	1,295,732.00
Wisconsin. . . . .	1,048,671.74

The figures for Wisconsin are for the session of 1911-12; all the other figures are for the session of 1912-13.

### The University of Texas

The Constitution of the State, Article 7, Section 10, says:

"The Legislature shall, as soon as practicable, establish, organize and provide for the maintenance, support and direction of a university of the first class, to be located by a vote of the people, of this State and styled 'The University of Texas,' for the promotion of literature and the arts and sciences, including an agricultural and mechanical department."

During the course of my administration I have urged full compliance with the foregoing provision of our organic law. In my message to the Regular Session of the Thirty-third Legislature, I outlined plans for the development of the University, as well as other educational institutions of higher learning in Texas. What was then said is now re-urged with emphasis.

### Great Progress Made

The University has really made great progress during the last four years. That the increased attendance and increased financial support may be fairly understood, I quote below figures for the last twelve years, covering three administrations:

For the fiscal years beginning September 1, 1903, and ending August 31, 1907, the following amounts were expended for the support of the University:

Income from permanent fund. . . . .	\$ 538,923.48
From taxation. . . . .	610,661.38

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Grand total for four years. . . . . \$1,149,584.86

For the fiscal years beginning September 1, 1907, and ending August 31, 1911, the following amounts were expended for the support of the University:

the University:

Income from permanent fund.....	\$ 617,021.92
From taxation.....	900,000.00

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Grand total for four years.....\$1,517,021.92

For the fiscal years beginning September 1, 1911, and ending August 31, 1915, the following amounts have been and will be expended for the support of the University:

Income from permanent fund.....	\$ 805,471.31
From taxation.....	1,679,278.00

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Grand total for four years.....\$2,484,749.31

The foregoing shows that the total amount expended both from taxation and from income from the permanent University fund in the support of the University for the eight years beginning September 1, 1903, and ending August 31, 1911, covering two previous administrations, amounted to \$2,666,606.78. Whereas, the expenditures for the support of the University, including the allowance of \$340,000.00 included in the tax estimate for the current year, amount to \$2,484,749.31 for the four years of my administration. These figures show that the expenditures for the support and development of the University during my administration of four years are only \$181,857.47 less than was expended in its support for the eight years preceding.

### Opposed to Shacks

According to a letter from the President of the University, \$41,394.91 has been expended in the erection of temporary frame buildings to accomodate additional departments and increase the attendance. A Nurse's Home, as part of the Medical Branch of the University at Galveston, has been erected this year at a cost to the University of \$85,000.00. The Superintendent of Masonry advises me that the principal cost of erecting the library building at the University, or \$223,000.00 of same, has been paid during this administration.

I want to report to the Legislature that the wooden shacks on the University campus have been built over my protest. I have advocated the policy of efficient maintenance of the University and the expenditure of money only for substantial buildings, which will serve the public use for generations to come.

### **Constitutional Inhibition**

It seems not be generally known to critics that the Legislature is prohibited by the Constitution from appropriating money raised by taxation for the erection of University buildings. I quote Section 14 of Article 7 of the Constitution of Texas, as follows:

"The Legislature shall, also, when deemed practicable, establish and provide for the maintenance of a college or branch university for the instruction of the colored youths of the State, to be located by a vote of the people; provided, that no tax shall be levied and no money appropriated out of the general revenue, either for this purpose or for the establishment and erection of the buildings of the University of Texas."

I respectfully recommend that the Legislature submit an amendment to the foregoing section of Article 7 of our Constitution, so as to permit specific appropriations for buildings at the University.

### **Increased Attendance**

The attendance at the University has shown a marked increase during the period for which figures for cost and maintenance are above given. For the term ending in June, 1904, the enrollment of the University was 1258. The enrollment for the term ending in June, 1914, was 2226. The enrollment, according to a report of the President of the University, is 2449, showing an increase in enrollment in twelve years of nearly one hundred per cent. I doubt if any other State university in the country has increased its expenditures or attendance a greater percentage than is shown for the University of Texas during the period for which figures are shown.

. . . . .

### **MESSAGE OF GOVERNOR JAMES E. FERGUSON**

**January 20, 1915; S. J., pp. 123-124; H. J., pp. 132-133**

. . . . There are some matters of legislation called for in the El Paso platform that I deem it my duty to call to your special attention. . . . .

Seventh: The Agricultural and Mechanical College and the State University seem now to be the subject of much discussion and concern to those interested in higher education in Texas.

The magnitude of legislation affecting these two institutions ought not to be underestimated.

Impelled only by an earnest desire to do the best for present and future students of the two institutions, I have given the question



much study and investigation with a desire to offer some plan that might at least be the basis for needed legislation.

There are two plans now being urged by the partisans of the two institutions.

One idea is to completely separate the two institutions, giving each a distinct control and management, but both to be supported by the State. This view is urged by many wise and patriotic citizens, who are honest and sincere in their views. It is said that this will be the only way to stop the strife between the two institutions, which ought not to exist.

The main objection to this plan is that it, in effect, commits the taxpayers of the State to a permanent support and maintenance of two high institutions of learning when it is already a question of how we can support one.

It is apparent to any fair-minded person that Texas is today suffering more from a want of under education of the many than it is from a want of over education of the few.

When we consider the seventy thousand children in Texas who never get a chance to go to school and against this put the fact that the Texas Legislature is today being asked to appropriate over \$325.00 per student for the benefit of those fortunate enough and able to go to the Agricultural and Mechanical College and the University, you can begin to see that there is a real danger of somebody going hog wild about higher education. Let us avoid any legislation that would permit the establishment of a law school at the Agricultural and Mechanical College or the establishment of a veterinary school at the University.

The other plan that is being urged is the creation of a board at Austin, with full power to control the Agricultural and Mechanical College, the Medical University at Galveston, and all the property of said institutions. It is further urged that the board should be men of high educational attainments.

The objection to this idea is that it puts too much power in one place, and calls for men whose training might not sufficiently identify them with the great body of Texas citizenship and their educational needs.

I shall take the liberty to suggest a plan that will, in my opinion, at least, improve conditions. I am not wedded to my plan, and I invite your most careful scrutiny of its merits. It may not please anybody. I have had an awful time trying to please myself.

I recommend that a proper bill be drawn and passed putting the Agricultural and Mechanical College and the University under one Central Board of Control to consist of six members, three of which number shall have had each seven years' actual experience as a farmer or stock raiser, and ten years' residence in Texas. Members

of said board to hold their office for six years, with the exception that of those first named, whose terms shall be two and four and six years, to be determined by lot, and two members to be elected every two years thereafter.

No member of said board shall reside in Galveston, Travis or Brazos Counties, and shall receive no compensation for his or her services, other than his or her traveling expenses.

I would fix by statute the permanent location of the Agricultural and Mechanical College at its present location in Brazos County, Texas, as an agricultural and mechanical college of the first class, and provide that such institutions have a president with full power to control at the will and pleasure of said Board of Control.

I would further provide that if said Central Board of Control should at a subsequent time establish another agricultural and mechanical college as a part of the University system of Texas, that same be located at some point north of a line running across Texas, due east and west of the city of Waco, in McLennan County, Texas, and no member of the board to ever reside in the county where such college might be located.

I would provide for the permanent location of the State University in the city of Austin, Travis County, Texas, as a university of the first class, which shall also have a president with full power to control at the will and pleasure of said Central Board of Control.

I would provide also for the State Medical University to be permanently located in the city of Galveston as a medical university of the first class, with a president with full power of control subject to the will and pleasure of said Board of Control. Said board should hold its meetings alternately, one year in Austin, and one year at College Station.

I would invest said Central Board of Control with full and plenary powers of control, supervision and management of all said three institutions, and all others that might be established, and said board would likewise have full possession and control and management of all the property, buildings, assets, lands and other holdings of whatever kind now owned or hereafter acquired by said institutions, and would have power to establishing and prescribe all courses of study and make such rules, regulations and by-laws which they might deem wise for the proper maintenance and operations of said institutions. In case there should be a tie vote, then I would empower the Lieutenant Governor with the power to cast the deciding vote. . . .

## PROCEEDINGS IN THE LEGISLATURE

H. B. 232—By Mr. Haney.

To protect University and asylum lands and grounds from cattle and hunters.

Adversely reported. H. J., p. 1257.

H. B. 247—By Mr. Bryan.

Educational appropriation.

Died. H. J., p. 1257.

H. B. 249—By Mr. Stanford.

To abolish fraternities at the University of Texas.

Favorable report, postponed indefinitely. H. J., p. 1257; S. J., p. 1318.

H. B. 263—By Mr. Tillotson.

To place the University and the Agricultural and Mechanical College under one board of control.

Not printed. H. J., p. 1258.

H. B. 434—By Messrs. Jones and Pearson.

To place the University, Agricultural and Mechanical College, the School of Mines, and the Prairie View Normal under one management.

Not printed. H. J., 1257.

H. J. R. 9—By Mr. Metcalfe.

To provide for a student loan fund by the several counties through an amendment to the Constitution.

Submitted to people—defeated. H. J., p. 1283; S. J., p. 1328.

H. J. R. 34—Mr. Sackett.

To provide for the separation of the University and Agricultural and Mechanical College.

Submitted to people—defeated. H. J., p. 1284; S. J., p. 1328.

H. J. R. 41—By Mr. Haney.

To provide for a permanent school tax and for the separation of the University and the Agricultural and Mechanical College.

Died in Committee. H. J., p. 284.

**February 4, 1915, February 5, 1915; H. J., pp. 321-322 and  
pp. 340-341**

Statements having been made in the House that a majority of the faculty are northern men and prejudiced, Acting President Battle asked for an investigation. Blalock moved that it be granted; Burmeister substituted to include alleged bias of faculty in favor of fraternities; Blalock accepted the substitute, which was tabled 64 to 62.

S. B. 25—By Mr. Hudspeth et al.

Emergency appropriation of \$352,745.89 for the University of Texas.

See S. B. 56. S. J., p. 1275.

S. B. 56—By Mr. Cowell.

Deficiency appropriations including \$352,745.89 for University of Texas.

Became a law. S. J., p. 1277; H. J., p. 1290.

S. B. 62—By Mr. Harley.

To accept the Walter Colquitt Memorial Hospital.

Became a law. S. J., p. 1278; H. J., p. 1290.

S. B. 139—By Mr. Astin.

To protect the grounds of State institutions from animals and provide a pound keeper.

Passed Senate. S. J., p. 1284; H. J., p. 1292.

S. B. 208—By Messrs. Robbins and Harley.

To create a University Law Text Book Board consisting of the Attorney General, the Supreme Court, and the Dean of the Law Department to select the books used in teaching law at the University.

Reported favorably. S. J., p. 1288.

S. B. 243—By Messrs. Morrow, Johnson and Harley.

To place the University of Texas, Agricultural and Mechanical College, School of Mines, and Prairie View Normal under a single board of control.

Reported favorably, adverse minority. S. J., p. 1291.

S. J. R. 8—By Mr. Wiley et al.

To amend the Constitution so as to separate the University and the A. and M., divide the University endowment between them, and provide for their separate maintenance.

Referred. S. J., p. 1305.

S. J. R. 17—By Mr. Bailey of Harris.

To amend the Constitution, Article 7.

[Section 10. Gives the nine Regents full powers, including the right to provide for research and a student loan fund. Provides for support by appropriation, special tax, etc.

Section 11. Provides for investment of the permanent fund as the permanent school fund is invested, issuance of bonds secured by income of the permanent University fund, purchase of more campus, taxes and income of the permanent fund to be the available fund.

Section 12. Provides that two-thirds of the 2,000,000 acres remain to the University.

Section 14. Provides that one-third of the 2,000,000 acres go to the A. and M.

Section 15. Provides that these lands shall be sold as may be provided by law.

Section 19. Provides for a tax not greater than 10 cents on the \$100, 44 per cent to go to the University, 29 per cent to the A. and M., 5.75 per cent to the College of Industrial Arts, 18.75 per cent to the Normals, 2.5 per cent to the Prairie View Normal.]



Printed in full. S. J., p. 1306.

S. J. R. 21—By Mr. Gibson.

To eliminate from the Constitution the prohibition against a tax levy or appropriation for buildings for the University of Texas.

Favorable majority, adverse minority report. S. J., p. 1306.

## GENERAL LAWS

### S. B. 56; Ch. 9, p. 14

An Act to make appropriations to cover authorized deficiencies for the fiscal year ending August 31, 1913, and to cover authorized deficiencies for the fiscal year ending August 31, 1914, and to cover authorized deficiencies for the fiscal year ending August 31, 1915, making a special appropriation for enforcement of laws regulating the sale of intoxicating liquor, and to make a special appropriation for the support of the University of Texas for the fiscal year ending August 31, 1915.

SEC. 4. That the sum of \$352,745.89 be and the same is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated as an emergency appropriation to supplement the income from the University Permanent Fund, for the support of the University of Texas for the fiscal year ending August 31, 1915.

Approved February 12, 1915.

### S. B. 62; Ch. 18, pp. 32-33

An Act to accept the gift to the State of a hospital building and to establish a State Hospital for crippled and deformed children, and to provide for the management and control thereof, and declaring an emergency.

SECTION 1. That there is hereby established a State Hospital for crippled and deformed children. The gift to the State by the Texas Public Health Association of the Walter Colquitt Memorial Children's Hospital, also known as the children's ward of the John Sealy Hospital, on the premises of the University of Texas, at Galveston, Texas, is hereby accepted by the State, and this hospital shall be the State Hospital for crippled and deformed children. The term "crippled or deformed children," as used in this Act shall include children suffering from disease from which they may become crippled or deformed.

SEC. 2. Said hospital shall be under the control and management of the Board of Regents of the University of Texas and said board is hereby authorized and empowered to lease said hospital building to the city of Galveston in the same manner as the John Sealy Hospital buildings, and to require that provision be made in such hos-

pital for the care and treatment of crippled or deformed children, who may be benefitted or cured by treatment in said hospital, and for such other cases of patients as may be required in the interest of scientific study by the faculty and students of the Medical Department of the University of Texas.

Said Board of Regents or the board of managers of said hospital, may also receive in said hospital any sick or afflicted children who are not crippled or deformed, and who are not suffering from any communicable diseases, provided that the beds occupied by such children are not needed for the use of crippled or deformed children.

SEC. 3. The said Board of Regents or board managers of said hospital shall adopt such rules and regulations as said boards may deem proper and necessary for the admission, discharge, care and treatment of such children. The Board of Regents or the board of managers of said hospital may require the parents or guardians of patients, when able to do so, and otherwise the home counties or cities of such patients, to pay all or part of the expense of the care and treatment of patients. And said boards may refuse to admit to said hospital as patients any except crippled or deformed children.

SEC. 4. The Legislature shall make suitable provision in the general appropriation bill, or otherwise, to pay for the proper care and treatment of children afflicted with surgical tuberculosis, and the Board of Regents or board of managers of said hospital shall give free care and treatment to such children to the extent of the appropriation therefor. Said Board of Regents are also authorized to accept donations for the support of crippled or deformed patients and for the improvement of the hospital and building.

Approved February 20, 1915.

#### H. J. R. 9; pp. 286-287

To amend Article 7 of the Constitution of the State of Texas, by adding thereto Section 3b, authorizing the Legislature to provide by law for the creation of a student's loan fund in each county in connection with the public schools thereof.

SECTION 1. That Article 7 of the Constitution of the State of Texas be amended by adding thereto a new section to be known as Section 3b, which shall read and be as follows, to-wit:

Section 3b. The commissioners court of each county in this State shall have the power, and is hereby authorized, when a majority of the qualified voters of such county shall vote to create such fund, to create a fund to be known as a "Students' Loan Fund," for the purpose of enabling students of the public free schools of said county to borrow money to be used in their education for the purpose of graduating from the county public schools and after graduation to continue their education in any higher State institu-

tion of learning, such fund to be created and administered by the commissioners court of each county as may be provided by law.

SEC. 2. And the Legislature may authorize an additional ad valorem tax to be levied and collected within such county for the purpose of raising said students' loan fund, said tax not to exceed in any one year twenty (20c) cents on the one hundred (\$100.00) dollars, valuation of the property subject to taxation in each county; provided, that a majority of the qualified property tax paying voters of the county voting at an election to be held for that purpose shall vote such tax. Provided, that if the tax is adopted, after it has been enforced for two years, an election may be held, on the order of the commissioners court, to determine whether or not said tax shall be repealed; and provided further, that it shall be the duty of the commissioners court to order such election upon a petition so to do by twenty-five per cent of the qualified tax paying voters of the county.

SEC. 3. The Legislature shall pass the necessary laws carrying into effect this provision of the Constitution.

SEC. 4. That the above and foregoing proposed amendment shall be duly published once a week for four weeks, commencing at least three (3) months before a special election to be held for the purpose of voting upon such proposed amendment, on the fourth Saturday in July, 1915, in one weekly newspaper of each county in the State of Texas, in which such newspaper may be published. And the Governor shall, and he is hereby directed, to issue the necessary proclamation for the submission of this proposed amendment to the qualified electors for members of the Legislature. At such election all persons favoring such amendment shall have written or printed on their ballots the words, "For the Amendment to Section 3 of Article 7 of the Constitution, adding thereto Section 3b, authorizing the commissioners court to create a 'Students' Loan Fund,'" and those opposed thereto shall have written or printed on their ballots the words, "Against the Amendment to Section 3 of Article 7 of the Constitution, adding thereto Section 3b, authorizing the commissioners court to create a 'Students' Loan Fund.'"

SEC. 5. That \$5000.00, or as much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the Treasury not otherwise appropriated, to defray the expenses of advertising and holding the election provided for above.

Passed Senate, 21 to 6, House 100 to 21.

Approved March 30, 1915.

[At the election held July 24, 1915, six proposed constitutional amendments were voted upon: Section 52, Article 3; Section 2, Article 5; Section 2, Article 6; Section 3b, Article 7; Sections 10 to 15, Article 7; Section 9, Article 8. Each amendment was overwhelmingly defeated,—Section 3, Article 7, by a vote of 27,529 to 102,627. Election Register, 1914, office of Secretary of State.]

## H. J. R. 34; pp. 291-294

**A Joint Resolution** proposing an amendment to Article 7, Sections 10, 11, 12, 13, 14 and 15 of the Constitution of the State of Texas, providing for the establishment and separate maintenance of the University of Texas and fixing its permanent location in Travis County; providing for the permanent location of the medical branch of the University of Texas in Galveston County; providing for the establishment and separate maintenance of the Agricultural and Mechanical College of Texas as an independent college, and providing for its permanent location in Brazos County; providing for the establishment and maintenance of the College of Industrial Arts and fixing its permanent location in Denton County; authorizing the establishment of junior agricultural colleges subsidiary to and under the government of the Agricultural and Mechanical College board; establishing the Prairie View State Normal and Industrial College, and declaring it a branch of the Agricultural and Mechanical College, and fixing its permanent location at Prairie View, in Waller County; making an equitable division of the State permanent endowment fund between the University of Texas, the Agricultural and Mechanical College of Texas; making an appropriation to defray the expenses of advertising the Governor's proclamation and submitting same to a vote of the people.

**SECTION 1.** That Sections 10, 11, 12, 13, 14, and 15, Article 7, of the Constitution of Texas, be amended so as to hereafter read as follows:

**Section 10.** The University of Texas is hereby established and permanently located in Travis County, and shall be a university of the first class. The Legislature shall provide for its organization and for its development, maintenance and permanent improvement, shall make by appropriation and otherwise such provision as may be necessary for the promotion of literature and the arts and sciences, pure and applied, in a university of the first class. The affairs of the University of Texas shall be administered by its own governing board as provided by law. The present members of the board shall continue in office until the expiration of their respective terms. The location herein made of the University of Texas shall in no way affect the location of the medical branch thereof situated in Galveston County.

**Sec. 11.** All lands and other property granted by the Republic or State of Texas to the University of Texas, or to the University of Texas and its branches, except the lands transferred by Section 13 of this article to the Agricultural and Mechanical College of Texas and to the Prairie View State Normal and Industrial College, shall, together with the proceeds of the sale of such lands, con-



stitute the permanent University fund. All the income derived therefrom shall be the available fund, and shall be applied to the support and development of the University of Texas and to meet its obligations. The proceeds from the sale of University lands shall be invested as authorized by law for the investment of the permanent school fund. The one-tenth of the alternate sections of lands granted to railroads, reserved by the State which was set apart and appropriated to the establishment of the University by an Act of the Legislature of February 11, 1858, entitled, "An Act to establish the University of Texas," shall not be included in or constitute a part of the permanent fund.

Sec. 12. The Agricultural and Mechanical College of Texas is hereby established and permanently located in Brazos County and separated from the University of Texas, and constituted an independent college. The Legislature shall provide for the organization of said college and for its development, maintenance and permanent improvement, shall make by appropriation and otherwise such provision as may be necessary to accomplish the purpose of said institution, which, without excluding classical and cultural studies, shall be to teach and develop those branches of learning which relate to agricultural and the natural sciences connected therewith, the various branches of engineering, the mechanical arts and military sciences and tactics. The affairs of the Agricultural and Mechanical College shall be administered by its own governing board as provided by law. The present members of the board shall continue in office until the expiration of their respective terms. The Prairie View State Normal and Industrial College for Colored Youths is hereby established, and its government and control shall continue under the governing board of the Agricultural and Mechanical College of Texas. Provided, the Legislature may establish junior agricultural colleges subsidiary to the Agricultural and Mechanical College and under the control of the Agricultural and Mechanical College Board.

Sec. 13. Of the land heretofore set apart to the University and to the University and its branches by the State of Texas, and remaining unsold, there are hereby transferred to and made a part of the permanent fund of the Agricultural and Mechanical College of Texas, six hundred thousand acres of land of average value; there are hereby transferred as a permanent fund to the Prairie View State Normal and Industrial College one hundred and fifty thousand acres of land of average value; and all of the remainder of the said land shall constitute a part of the permanent fund of the University of Texas. The Legislature shall provide for the division of the land as specified herein. The land herein set apart to the University, the Agricultural and Mechanical College of Texas and the Prairie View State Normal and Industrial College may be

sold under such regulations, at such times and on such terms as may be prescribed by law. The Legislature shall provide for the prompt collection at maturity of all debts due on account of the sale of said lands, and in no event shall any relief be granted to any purchaser.

Sec. 14. All lands and other property heretofore granted or herein granted to the Agricultural and Mechanical College, together with the proceeds of the sale of such lands, shall constitute its permanent fund. All the income derived therefrom shall be the available fund and shall be applied to the support and development of the Agricultural and Mechanical College and to meet its obligations. The proceeds from the sale of the Agricultural and Mechanical College lands shall be invested as authorized by law for the investment of the permanent school fund.

Sec. 15. The College of Industrial Arts for White Girls, located at Denton, in Denton County, Texas, is hereby established and recognized as an independent college, and the Legislature shall provide for its organization, maintenance, development and permanent improvement, and shall make, by appropriation and otherwise, such provision in addition to that heretofore made as may be necessary for the establishment and maintenance of a first-class college for the education of white girls in the literary branches, the arts and sciences and the practical industries of the age. The college shall have its own governing board, which shall designate the officers of administration and instruction, and other employes, determine their salaries, establish departments, subdivisions, libraries, and laboratories and other agencies of education consistent with the objects of the college, and perform such other duties as the Legislature may prescribe.

SEC. 2. The Governor of this State is hereby directed to issue the necessary proclamation and have same published as required by the Constitution and the laws of this State. The sum of five thousand (\$5,000.00) dollars, or so much thereof as may be necessary, is hereby appropriated to defray the expenses of publishing said proclamation and the expenses of submitting this resolution to a vote of the people.

SEC. 3. The foregoing amendment to Article 7, Sections 10, 11, 12, 13, 14 and 15 of the Constitution of the State of Texas, shall be submitted to the qualified electors of this state for its adoption or rejection at an election to be held on the fourth Saturday in July, A. D. 1915, the same being the twenty-fourth day of said month. All the voters voting on this proposed amendment at said election who favor the adoption shall have printed or written on their ballots, "For amendment to Article 7 of the Constitution of the State of Texas, providing for the separation of the University of the State of Texas and the Agricultural and Mechanical College,

and an equitable division of the University lands." All voters voting on this proposed amendment at said election who oppose its adoption shall have printed or written on their ballots the following. "Against amendment to Article 7 of the Constitution of the State of Texas, providing for the separation of the University of Texas and the Agricultural and Mechanical College and an equitable division of the University lands." Previous to the election the Secretary of State shall cause to be printed and forwarded to the County Judge of each county for use in said election a sufficient number of ballots for the use of voters in said county, on which shall be printed the form of ballots herein prescribed for the convenience of the voters.

[Passed House 105 to 20; Senate 21 to 8. Submitted to the people without Governor's signature.]

[At the election held July 24, 1915, this proposed amendment was defeated by a vote of 81,658 to 50,398. See note to H. J. R. 9. Election Register, 1914, Office of Secretary of State.]

## **THIRTY-FOURTH LEGISLATURE, FIRST CALLED SESSION, APRIL 29 TO MAY 28, 1915**

### **PROCEEDINGS IN THE LEGISLATURE**

H. B. 9—By Mr. Wagstaff:

Educational appropriation bill.

Presented to Governor. H. J. p. 449.

**May 4, 1915; H. J. p. 27**

Mr. Boner offered a resolution calling on the president of the University to furnish the House with "an itemized list showing number of hours each professor and instructor is actually engaged in teaching each week, and number of hours actual work for employes per week."

Died on a point of order.

S. B. 7—By Mr. Cowell.

Appropriating \$711,682.16 per year for the biennium, together with \$22,225 and \$18,150 for the School of Mines.

Became a law. S. J. p. 456.

**May 5, 1915; S. J. p. 29**

Petition of the Farmers' Union of Henderson and Rusk Counties asking for a complete separation of the A. and M. College from the University.

GENERAL LAWS

C. S. S. B. 7; Ch. 32, pp. 84-99

An Act making appropriations to pay the salaries of officers and employes of certain educational institutions and other expenses of maintaining and conducting them as follows, to wit: University of Texas; Agricultural and Mechanical College; State Experiment Station; Prairie View Normal; College of Industrial Arts for Women; Sam Houston Normal Institute; North Texas Normal; Southwest Texas Normal School; West Texas Normal School, and School of Mines at El Paso, and declaring an emergency.

SECTION 1. That the following sums of money, or so much thereof as may be necessary, be and the same are hereby appropriated to pay the salaries of officers and employes and other expenses necessary for the support and maintenance of certain educational institutions of the State, as follows, to wit:

The University of Texas.

For the Year Ending  
Aug. 31, 1916    Aug. 31 1917

For the maintenance, support, and direction of the University of Texas, including the Medical Department at Galveston, including the constructions of buildings, for the years beginning September 1st, 1915, and ending August 31st, 1917, all the available University funds, including interest from its bonds, land notes, endowments and donations, all gifts and fees collected, and all receipts whatsoever from any source.

For the maintenance, support and direction of the University of Texas, including the Medical Department at Galveston, for the two years beginning September 1st, 1915, and ending August 31st, 1917, from the general revenue, with such changes and substitutions within the total of the following items for the University as the Regents may find necessary.



[Fully itemized, with totals as follows:]

Salaries. . . . .	\$483,007.50	\$483,007.50
Schools and Laboratories:		
Main University. . . . .	37,400.00	37,400.00
Medical Department. . . . .	7,300.00	7,300.00
Current Expenses, Main University and Medical Department. . . . .	100,560.00	100,560.00
Bureau of Economic Geology and Technology. . . . .	25,100.00	25,100.00
Department of Extension. . . . .	58,314.66	58,314.66
Grand total. . . . .	\$711,682.16	\$711,682.16
School of Mines. . . . .	\$ 22,225.00	\$ 18,150.00

The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no expenditures shall be made, nor shall any obligations be incurred which, added to the actual expenditures, will exceed the amounts herein appropriated for either of the same purposes, except under the provisions provided for in Article 4342, of Chapter 2, Title 65, of the Revised Civil Statutes of 1911.

Approved June 9, 1915.

[See index to the Ferguson-University Controversy, covering the period, June 11, 1915 to Sept. 29, 1917.]

### THIRTY-FIFTH LEGISLATURE, REGULAR SESSION, JANUARY 9 TO MARCH 20, 1917

#### MESSAGE OF GOVERNOR JAMES E. FERGUSON

January 10, 1917; H. J. pp. 20, 21; S. J. pp. 8, 9

#### ITEMIZED APPROPRIATIONS

There are planks in the platform which I desire to specifically call to your attention. Plank 5 is as follows:

"We urge upon the Legislature in making appropriations for the support and maintenance of the various departments and institutions of our State, to clearly itemize all such appropriations, so that the people may be fully informed as to the purpose for which any appropriation is made."

This recommendation is absolutely essential. It now costs millions to run our State government, and if we can not tell the people what we are going to do with the money and then in good faith do what we say we are going to do with it, the people will rightfully distrust us, and as a result some meritorious needs will be denied. If there are small contingencies that can not be foreseen, provide for them in a contingent fund, and itemize the main budget.

## COUNTRY SCHOOLS

Your attention is specially directed to the demand of our party that the sum of two million dollars (\$2,000,000) be appropriated to aid the country schools. Under the appropriation of one million dollars made by the Thirty-fourth Legislature about 1450 country schools have been helped from an average term of four and a half months to more than a six months term. The appropriation of two million dollars for the same purpose will enable every country school in Texas to get much needed relief.

I have been charged with being against higher education. The charge is untrue and the record will show that it is untrue. As long as higher education remains democratic and does not seek any more rights than is guaranteed to the average citizen, then I am for higher education. But when higher education becomes either autocratic or aristocratic in its ways or customs and begins to arrogate to itself an unwarranted superiority over the great masses of the people, who make higher education possible, and wants to rule with a college diploma alone, then I am against higher education, and I consider it "book learning" gone to seed.

I am in favor of liberal appropriations for the support of our universities and colleges, but for every dollar appropriated for such purposes there should be at least three dollars set aside for the aid of the high schools in the towns and graded schools in the country. "The greatest good to the greatest number" is a sacred tenet of Democracy. "Special privileges to none" is the foundation of republics.

## PROCEEDINGS IN THE LEGISLATURE

H. B. 2—By Mr. Tillotson and thirty-six others.

To establish a State Highway Department.

Became a law. H. J., p. 1537; S. J., p. 1711.

H. B. 103—By Mr. Dudley and Mr. Thomason of El Paso.

To make an appropriation for construction of buildings for School of Mines.

Became a law. H. J., p. 1543; S. J., p. 1715.

H. B. 205—By Mr. McFarland.

To provide for the sale of public free school, University and asylum lands.

Reported favorably. H. J., p. 1548.

H. B. 208—By Mr. McFarland, Mr. Bryan, Mr. Tillotson, Mr. Cradgington, Mr. Thomason of El Paso, Mr. Metcalfe, and Mr. Dudley.

To provide for the sale of University lands.

Postponed indefinitely. H. J., p. 1548; S. J., p. 1717.

H. B. 233—By Mr. Sackett.

To extend the time for payment of principal that has become due on University, asylum and public school lands.

Reported favorably. H. J., p. 1549.

H. B. 404—By Mr. Robertson, Mr. Templeton, Mr. Carlock, Mr. Blalock, and Mr. Woodul.

To authorize the Board of Regents of the University of Texas to issue bonds, etc.

Engrossed. H. J., p. 1558; S. J., p. 1721.

H. B. 629—By Mr. Johnson.

To provide for the making of an educational survey.

Referred to committee. H. J., p. 1571.

H. B. 644—By Mr. Robertson.

To convey to the University of Texas certain property in Austin belonging to the Blind Institute.

Became a law. H. J., p. 1572.

H. B. 652—By Mr. Johnson.

To provide for an educational survey of the State institutions of higher learning.

Reported enrolled. H. J., p. 1572; S. J., p. 1729.

H. B. 752—By Mr. Cope, Mr. Crudgington and Mr. Bledsoe.

To validate certain sales of public free school, University and asylum lands.

Became a law. H. J., p. 1578; S. J., p. 1732.

H. B. 812—By Mr. DeBogory et al.

To prescribe fees of admission to the University of Texas.

Referred to Committee on Education. H. J., p. 1581.

H. J. R. 6—By Mr. Butler.

To authorize appropriations out of the general revenue for the erection of buildings for the University of Texas.

Laid on table. H. J., p. 1585.

H. J. R. 30—By Mr. Tillotson, Mr. Butler, Mr. Robertson, Mr. Sackett, Mr. Davis of Grimes.

To define the constitutional status of the University of Texas and the Agricultural and Mechanical College.

Reported favorably. H. J., p. 1586.

H. C. R. 13—By Mr. Thomason of Nacogdoches.

To provide for a joint meeting of the House and Senate Committees on Education to discuss H. B. 652.

H. J. p. 1584; S. J. p. 1737.

H. S. R.—By Mr. O'Banion.

To provide for an investigation of the charges against the Governor.

Tabled. H. J. p. 1590.

H. S. R.—By Mr. Davis of Van Zandt.

To provide for a committee to investigate the Governor.

Carried. Committee appointed and reported. H. J. p. 1588.

[The stenographic report of the proceedings of this committee together with the relevant extracts from the House Journal were printed by Will C. Hogg in a pamphlet entitled "Record of Investigation. . . of Charges Filed Against Gov. Jas. E. Ferguson"; v. 548 pp. The "Dedication to the People of Texas" refers to the University.]

S. B. 17—By Mr. Hudspeth.

To provide for the construction of certain buildings at the School of Mines of the State of Texas at El Paso.

Reported engrossed. S. J. p. 1664; H. J. p. 1592.

S. B. 149—By Messrs. Dayton and Lattimore.

To amend Chapter 117 of the General Laws of the Thirty-fourth Legislature, relating to county libraries.

Became a law. S. J. p. 1673; H. J. p. 1695.

S. B. 357—By Mr. Hudspeth.

Relating to prospecting for and developing of minerals and other substances in lands owned by the State of Texas.

Became a law. S. J. p. 1690; H. J. p. 1600.

S. B. 402—By Mr. Hudspeth.

To validate all sales of free school land, University land and asylum land, made after forfeiture for non-payment of interest.

Reported favorably. S. J., p. 1694.

S. B. 404—By Mr. Hudspeth.

To repeal Article 2633, R. S. of 1911, and provide for the lease and sale of lands belonging to the permanent fund of the University of Texas.

Reported favorably. S. J., p. 1694.

S. B. 483—By Mr. McNealus.

To amend Article 317, Title 12, R. S. of 1911, relating to license granted to graduates of the Law Department of the University of Texas.

Reported favorably. S. J., p. 1700.

S. B. 490—By Mr. Hudspeth.

To amend Section 6 of an act of the Thirty-fifth Legislature pertaining to the development of minerals in public free school lands and waters.

Became a law. S. J., p. 1701; H. J., p. 1604.

S. C. R. 13—By Mr. Dayton.

To provide for a committee to determine the distinct fields of operation to be pursued by the A. and M. College, State University and Department of Agriculture.

Became a law. S. J. p. 1703; H. J. p. 1604.

S. C. R. 22—By Messrs. Alderdice, Dean and Dayton.

To provide for an educational survey of the State of Texas.

Reported favorably. S. J., p. 1704.

S. C. R. 27—By Mr. Lattimore et al.

To express confidence in the honesty, honor and integrity of the



president and members of the faculty of the University of Texas, etc., and that matters already investigated are regarded as already settled.

Laid on table. S. J., p. 1704.

S. S. R. 66—By Mr. Lattimore.

To provide for an investigation of statements concerning appointees of the Governor as members of the Board of Regents of the University of Texas and of all matters concerning the University.

Substitute adopted. S. J., p. 1707.

February 8, 1917. S. J., pp. 348-349.

S. S. R. 66—By Mr. Lattimore.

Whereas, Upon the fitness, ability and character of the Board of Regents, and their entire removal from political entanglement, favoritism, and private prejudice, and their unselfish devotion to the cause of higher education as embodied in a great State University, depends the growth, success and life itself of our State University; and,

Whereas, No university can be of the first class, and attract and hold the strongest men in its teaching force, or have the necessary harmony of co-operation among its teachers, except they be elected for life, during good behavior and maintenance of efficiency, and upon recommendation of the president, as is done in all the great universities of the world; and

Whereas, An effort has recently been made by the Governor of this State to have summarily removed a number of the members of the teaching force of the State University who are among the oldest in point of service, which effort failed, after a hearing before the Board of Regents, such removal being opposed by Alex Sanger of Dallas, Will C. Hogg of Houston, David Harrell of Austin, and Dr. Faber of Tyler, all of them men of the very highest character and fitness; and

Whereas, Dr. Faber was the only one of the said named regents appointed by the present Governor, and his resignation was demanded and accepted by the Governor because his views upon the removal of such men were not in harmony with those of the Governor; and

Whereas, Notice was served at the time of said hearing that if the men were not removed the Governor would bide his time until other members of the Board of Regents could be appointed; and

Whereas, The time for appointment of other regents has come, and the names of the aforesaid distinguished members of the board are not now sent to the Senate by the Governor, but other names are sent; and,

Whereas, It has been brought to the attention of members of the Senate upon information that one or more of the men whose names

have been sent in by the Governor as his nominees for members of the Board of Regents, and certain members of the Board of Regents have already committed themselves to the policy of the dismissal of members of the faculty whose removal was demanded by the Governor, and of others because of personal dislike; and

Whereas, The Senate feels very keenly its grave responsibility to the people of this State, and to the State University in the matter of the direction and support of the University, and its selection of men to serve in the high office of regent, and believes only men free from bias or prejudice or prejudgment should be selected by it; therefore be it

Resolved by the Senate of Texas, That a committee to be composed of five members of the Senate be selected by the Lieutenant Governor, whose duty it shall be to make a full, complete and fair investigation of all matters concerning the University of Texas.

. . . .

**Report of Special Committee on Simple Resolution No. 66.**

February 15, 1917. S. J., pp. 525-541

. . . . Your Committee decided that it was best to conduct executive sessions rather than public sessions, in order that your committee might be enabled to finish its labors without delay and report back the results.

. . . . We were impressed with the fact that the representatives of the University of Texas, including its president and Dr. W. J. Battle, as well as the representatives of the Alumni Association who appeared before us, seemed to desire that the investigation which they asked for be limited to the charges which have heretofore been preferred by His Excellency, Governor James E. Ferguson, against certain members of the faculty of the University of Texas, and to have the Senate state whether or not, in its judgment, the action of the Board of Regents in refusing to sustain said charges was proper under the circumstances; and further that an investigation be held touching the character and fitness of the three Regents of the university nominated by the Governor, and as to whether or not they were pledged to any particular course of action before being appointed as Regents.

. . . .

It seems that the demand for an investigation, according to the proponents of same, is caused by the fact, as stated by these proponents of the investigation, that many rumors were afloat in the State of Texas, touching the charges formerly preferred by Governor Ferguson against certain members of the faculty, and that the State, as a whole, seemed not to think these charges were definitely set at rest by the action of the Board of Regents, and by the further

fact that Senator I. E. Clark, during the session of the present Senate, had written a confidential letter to Dr. W. D. Jones of Dallas, Texas (which letter is attached to this investigation), in which Senator Clark stated, among other things, that he did not believe any changes were contemplated in the faculty of the medical branch of the University of Texas at Galveston, but that he stood with Governor Ferguson in his attempt to remove undesirable characters from the faculty of the main university.

. . . . .

Owing to the limited time and the engagements of the Governor, and the fact that the time of this committee within the last few days has been very much taken up with its duties in the open Senate, we have not secured the statement of the Governor of Texas, but in the event we do so before this report is made, we will attach a copy of his testimony to this record for your information.

. . . . .

[Exhibit: Address of Dr. Vinson to ex-students at San Antonio, February, 1917.]

[Exhibit: Letter of Senator I. E. Clark to Dr. W. B. Jones, dated January 12, 1917.]

. . . . I thoroughly understand Dr. Fly's position in regard to the medical department of the University. . . . . Dr. Fly had rather see the university "busted up" than to see it succeed under the management of Drs. Thompson and Carter.

I had an interview with the Governor the other day in regard to this matter, and I do not think that he contemplates the removal of any one of the faculty of the medical department of the university. He will not pay any attention to what Fly says about either Thompson or Carter. The Governor has no desire to meddle with the faculty of the medical department of the university, but he is after some of the thieves in the university here at Austin, and if there is any chance I want to help him clean out and purify the faculty so that we can have a great university here.

[Exhibit: Statement by Senator I. E. Clark.]

. . . . But, after the Senate convened I received a great many letters from the alumni of the university, after the nomination of Dr. Lawrence had been sent to the Senate for confirmation, and they stated that if Dr. Lawrence was confirmed he would be an ally of Dr. Fly, and would do everything that he could with Dr. Fly to disrupt the medical department of the university. . . . .

[Exhibit: Address by Dr. W. D. Jones.]

. . . . I believe if one member of Board of Regents is confirmed it will mean a disruption in the present faculty of the medical department.

.

. . . . I will say that there ought to be an investigation of the conduct of the Board of Regents for at least four years back in justice to the men going out and those that remain. It will develop if there has been anything said reflecting on the board. . . .

[Exhibits: A letter from Dr. Fly to Dr. Thompson attacking the latter. A letter from Dr. Thompson to Dr. Battle transmitting Dr. Fly's letter and asking for an investigation.

Resolutions of the Alumni Association of the Medical Department endorsing Dr. Thompson.

A letter of Dr. Fly to Dr. J. J. Terrill, stating that said resolutions had been "railroaded through."

A letter from Dr. Thompson to the Board of Regents asking for an investigation.

Two letters from Dr. Fly to Dr. Thompson attacking the latter.

A telegram from President S. E. Mezes:]

During the interval when Dr. Fly was not a regent in 1911 I think we were urging the Legislature to transfer the Galveston quarantine fund balance to our Medical Department. In conversation with Dr. Fly in Galveston he offered to advocate, instead of opposing, the transfer if I would have Dr. Lawrence made a full professor. I declined to meet the condition. . . .

S. E. MEZES.

[Exhibit: A letter from Dr. Jones to Governor Ferguson transmitting the above exhibits.]

[Continuing his address, Dr. Jones said:]

. . . . The Governor merely acknowledged receipt. . . .

As I stated to you a few moments ago, I know nothing against Dr. Lawrence's personal character. I had a conversation with him Saturday, one week ago, and we talked very frankly. He knows I have nothing personal against him. He knows that if I believed he would line himself up with any faction to the detriment of the Medical Department I would do my best to keep him from being confirmed by the Senate.

Somebody ought to be responsible if disruption occurs in the Medical Department. Then I asked him if he favored a change in the rule of the Board of Regents as had been advocated by Dr. Fly, to take the power of nominating and dismissal of members of the faculty out of the hands of the president, which is Section 6 of the rules and regulations, Board of Regents (reads it). He says this: I favor a change in that rule. It gives the president of the University too much authority. . . .

I am opposed to Dr. Lawrence's confirmation.

[Statement of Dr. Vinson.]

I wish to make statement as to the reasons which led up to the action of the president and faculty of the University in sending peti-



tion to the Legislature requesting that an investigation be conducted into all affairs of the university. That was in line with request made by Board of Regents in printed report of hearing held last October. Also in line with desires of General Welfare Committee of ex-Students' Association of the university.

First of all, we were moved in this matter to ask for an investigation by the fact that these other requests for investigation had been made. The president and faculty of the university could not remain silent and not express themselves upon this matter when an investigation had been called for by other bodies, including governing board of the institution, without laying itself liable to have its silence misunderstood and misinterpreted.

. . . . .

[Exhibit: Report of the investigation by the Regents, page 139, begging for a legislative investigation.]

[Exhibit: A letter of Dr. W. D. Jones to Senator I. E. Clark, in part as follows:]

"It appears that Dr. Fly was a professor in the old Galveston Medical College prior to the establishment of the medical branch of the university at Galveston, which took over this medical school, but reorganized its faculty. Dr. Thompson's services were secured at about the same time that Dr. Keiler's were also secured. Dr. Fly was left out of the faculty when it was reorganized as the medical department of the University of Texas. At that time Dr. Fly was doing considerable surgery at Galveston, but of course was not a good teacher of surgery, or at least those who had the power to organize the faculty thought of one whom they thought was better and selected Dr. Thompson." . . . . .

[Dr. Vinson continued:]

. . . . .

From standpoint of my own official responsibility in this matter, I say this: I hold no brief for any member of the faculty who has been charged with misconduct or who may be charged with misconduct or who may be discovered to have been guilty of misconduct.

. . . . . A charge like that made by Senator Clark, ["thieves in the University"] I think you will agree with me, is a reflection upon every individual connected with the University of Texas. That it either ought to be substantiated or it ought to be retracted. The people of Texas have the right to know whether it is true or not . . . . . I do not know of anything that could be uncovered, so far as conduct of the members of the faculty are concerned. If you will allow me to express an opinion, I am in hopes an investigation by the Senate will cause it to be decided to have such changes

in the whole method of management of the University as will make a condition like this forever impossible in the future.

. . . . .

My business is to run the University under such board as the Senate may confirm, and I propose to do it with that board. I am not here as president of the University to ask you to fail in your confirmation of any man whom the Governor has named. My responsibility begins where yours ends.

. . . . .

[Senator Page asked:]

If the Governor appears before this committee and says that he recognizes as final the findings of the Board of Regents as far as he was concerned, do you think then it would be necessary for us to go into this investigation? That probably Dr. Clark wrote a hotheaded letter he ought never to have written. That such investigation as we ought to hold would be to investigate character and fitness of men the Governor has named for Board of Regents, we ought to investigate so as to find out from them whether they have made any pledges to the Governor as to their course on the Board of Regents; that this is the sort of an investigation we ought to have?

[Dr. Vinson answered:]

I will say if investigation held by Board of Regents and conclusions arrived at by board is to be regarded as a matter settled finally; if Senate will make such investigation of men appointed as to guarantee that it will be considered as matters already settled, so far as your investigation can do, if this is done and by so doing the University's name before the people of Texas is set forth as an honorable one and its integrity as being without question, no further investigation of these matters will be needed at all.

. . . . . I have no fight to make on any appointments the Governor may make.

. . . . .

[Exhibit: Letter of Governor James E. Ferguson to Senators Dayton, Page and Henderson, Committee on University Investigation Matter.]

Gentlemen: In response to your request as to my attitude on the question of whether it is necessary to have an investigation of the University affairs, permit me to say that, in my opinion, the entire management of the University of Texas should be allowed to remain and continue within the discretion and judgment and power conferred upon the Board of Regents by the Constitution of the State of Texas. . . . .

February 5, 1917; S. J., p. 307

Senate invited to the laying of the corner stone of the Education Building.

February 17, 1917; H. J. p. 672

[Section 4 of H. S. R. by Mr. O'Banion] That the Governor is seeking to inject politics into the management of the State University . . . . by placing said institution under the supervision and control of certain boards dominated and influenced by the said Governor.

February 19, 1917; H. J. p. 695

[The Governor, addressed the House, saying in reply, among other things: "I want my friends to help me run the government, and if you want your enemies to help you do it, then you haven't got sense enough to be governor."] Ferguson's War on the University, p. 17.

February 20, 1917; S. J., p. 585

[Senator Dayton offered a substitute, which, after some parliamentary wrangling was withdrawn for correction and re-introduced as an amendment to S. R. 66.]

Whereas, the testimony taken by the Board of Regents of the University of Texas having been published and a copy of same having been sent each Senator, and members of the Senate having had an opportunity to read and consider the same, that it is the sense of the Senate:

First—That the Board of Regents went into the charges thoroughly, as same were properly called to their attention by the Governor, and the evidence has sufficiently developed that there is not sufficient occasion for the reopening and the reconsidering of the conclusions of said board.

Second—That the investigation disclosed some careless practices not amounting to moral turpitude that had grown up in the management of the university during its 33 years of existence, and these careless methods have all been rectified, and considering that the university is 33 years old and has grown to be a large institution, of which the State is proud, and upon which the State and the people are to be congratulated that there was as little found in its management subject to criticism as was found, and the Governor having stated "he did not consider further investigation necessary"; therefore, be it

Resolved, That the judgment of the Board of Regents on matters considered by them, including charges against individuals, and all

other matters considered by said board at said hearing were and of right out to be regarded by each Senator as *res adjudicata*.

Be it further resolved, That the investigation herewith provided for as to any matters connected with the university be and the same is hereby fully satisfied by the adoption of this amendment to the original resolution, and that the committee provided for in the original resolution confine its investigations to the questions pertaining to the fitness of the proposed members of the Board of Regents, and those matters affecting that question.

**February 27, 1917; S. J., p. 737**

Senate refused to confirm Dr. D. H. Lawrence as a Regent.

**March 3, 1917; H. J. p. 1023**

Mr. Bledsoe moved that Governor Ferguson be invited to address the House [in regard to H. S. R. by Mr. Davis of Van Zandt. Governor Ferguson said in part, "two influences are responsible for the charges made here today . . . . T. N. Jones and the State University have conspired . . . . to effect my ruin."] Ferguson's War on the University, p. 19.

## **LAWS**

**H. B. 103; Ch. 49, pp. 87-88**

An Act to authorize the construction of and make an appropriation for the construction of a main building, chemical laboratory building, dormitory and power house for the School of Mines of the State of Texas, located in El Paso, Texas, and to make an appropriation of all funds collected from insurance on the burned buildings of said School of Mines for said purpose and for furnishing, equipping and maintaining said School of Mines, and declaring an emergency.

**SECTION 1.** There shall be constructed by the duly authorized authorities at El Paso, Texas, for the School of Mines, a main building, chemical laboratory building, dormitory and power house, all for said School of Mines, and the sum of one hundred thousand dollars (\$100,000.00), or so much thereof as may be necessary, is hereby appropriated for said purpose, out of any funds in the Treasury not otherwise appropriated. Provided, that said buildings shall be of fire-proof construction and all plans and specifications for the erection of the same and for the installation of fire protection shall be subject to the approval of the State Fire Insurance Commission. All funds collected from fire insurance policies on the recently burned buildings of the School of Mines are hereby appropriated for



the purpose of equipping, maintaining and supporting said School of Mines and replacing whatever was destroyed by said fire as well, and any surplus thereof is hereby appropriated as an additional amount for the construction of the buildings aforementioned, or such other building as may be necessary to be used, in the discretion of the governing authorities of said School of Mines.

SEC. 2. Provided, that no money herein or hereby appropriated for any purpose shall be paid out to any person, directly or indirectly, upon any contract or agreement between such person and the Board authorizing the payment of the same, where any member of such Board is related to such person, by blood or marriage, or where such person is directly or indirectly indebted to any member of such Board.

SEC. 3. The fact that the main building of the School of Mines was recently destroyed by fire and its equipment practically all destroyed and that said school is in the middle of its school term, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended and that this Act take effect and be in force from and after its passage, and it is so enacted.

Approved February 28, 1917.

S. B. 149; Ch. 57, pp. 98-99

An Act to amend Chapter 117 of the General Laws of the State of Texas, passed at the Regular Session of the Thirty-fourth Legislature of Texas relating to county libraries.

SECTION 6. A commissioner is hereby created to be known as the State board of library examiners, consisting of the State librarian, who shall be ex-officio chairman of the board, the librarian of the State University, and three other well trained librarians of the State, who shall at first be selected by the State librarian and the librarians of the State University. The term of each shall be for six years, one retiring every two years. His successor shall be chosen by the remaining members of the board in executive session. The members of said board shall receive no compensation for their services except actual necessary traveling expenses paid out of the State library fund. Said board shall arrange for an annual meeting and for such other meetings as may be necessary in the pursuance of its duties. Said board shall pass upon the qualifications of all persons desiring to become county librarians in the State of Texas and may in writing adopt rules and regulations not inconsistent with the law for its government and for the carrying out of the purpose of this Act.

Approved March 5, 1917.

**S. B. 357; Ch. 83, pp. 158, 165**

An Act to amend Chapter 173 of the Regular Session of the Thirty-third Legislature approved April 9, 1913, relating to the prospecting for and the development of the minerals and other substances in the public land, public islands and public waters and river beds and channels owned by the State, and in the unsold land belonging to the public free school fund, the University fund and the several asylums fund and in such of said land as has heretofore been sold or may hereafter be sold with the reservation of the minerals and other substances therein to the fund to which the land belongs; providing the royalty and other sums and compensation to be paid to the State and owners of the surface, and appropriating the proceeds to certain funds; providing for ingress and egress; providing one may pay cash for mineral claims, and obtain patents and change former claims to rights under this Act; providing for the adoption of rules and regulations by the Commissioner of the General Land Office, repealing the remaining portion of this said Chapter 173 which may not be amended and all other statutes in conflict with this Act, and declaring an emergency.

SECTION 17. The proceeds arising from the activities under this Act which affects land belonging to the public free school fund, the permanent University fund and the permanent fund of the several asylums shall be credited to the permanent fund of said institutions and the proceeds arising from the activities affecting other areas shall be credited to the Game, Fish and Oyster fund.

**Approved March 16, 1917.**

**H. B. 752; Ch. 138, p. 343**

An Act to validate all sales of public free school land, University land and Asylum land which were made after forfeiture for non-payment of interest but prior to the entry of such forfeiture on the account kept with the purchaser, and all sales of said land which were made upon applications filed prior to the cancellation of a former sale for the failure of the owner to reside on the land, and declaring an emergency.

Whereas, the land sales Acts of 1887 and 1895 were so construed from date of enactment until the decision of the Supreme Court in the case of Chambers vs. Robison, 179 Southwestern Reporter, Page 123, on October 13, 1915, to mean the entry of forfeiture for non-payment of interest on the account kept with the purchaser was not a necessary condition precedent to a new sale of the land, and

Whereas, the same Acts were so construed as to mean a cancellation of a former sale for the non-residence on the land by the owner was not a necessary condition precedent to a new sale to one who filed an application prior to such cancellation, until the decision by the Supreme Court in the case of Adams vs. Terrell, 107 South-western, Page 537, and

Whereas, during these twenty-eight years several thousand such sales have been made and which sales have been declared invalid by said Court are perhaps now the basis of many homes, and

Whereas, under the law those titles are in such condition that no one except the state can attack them, and

Whereas, the purchasers of the land affected as herein alleged are keeping their interest payments paid and otherwise discharging their obligations to the State and are justly entitled to have the title to their lands and homes made secure against any possible future attack by the State, therefore

SECTION 1. All sales of public free school land, University land and asylum land which were made after a former sale had been forfeited for non-payment of interest and before the entry of such forfeiture had been entered on the account kept with the owner, and all sales of said land which were made upon purchase applications filed before a former sale had been cancelled for the failure of the owner to reside upon the land are hereby validated and shall hereafter be deemed valid so far as the State is concerned; provided, no rights of third persons shall be affected.

Approved March 29, 1917.

**S. B. 490; Ch. 170, p. 382**

An Act to amend Section Six of an Act passed by the present session of the Thirty-fifth Legislature and approved on the 16th day of March, 1917, pertaining to the development of minerals in the public free school, University, Asylum, and other public lands and waters, and declaring an emergency.

Approved March 31, 1917.

[Law has not been operative as to University lands.]

**H. B. 2; Ch. 190, p. 416**

An Act to establish a State Highway Department, creating a State Highway Commission, and the office of State Highway Engineer; . . . . authorizing the use by the Department of the Laboratories of the University of Texas and of the Agricultural and Mechanical College of Texas for analyses of road materials. . . .

SEC. 13. The laboratories maintained at the Agricultural and Mechanical College of Texas and at the University of Texas shall be at the disposal and direction of the State Highway Engineer for the

purpose of testing and analyzing road and bridge material, and it shall be the duty of those in charge of said laboratories to co-operate with and assist the State Highway Engineer, to the end that the best interests of the State, may be advanced in this connection. The commission shall purchase all necessary supplies and materials required in the administration of this Act, and shall have authority to employ all clerical and other assistance necessary to carry out the provisions of this Act, and it shall pay such labor the reasonable and customary price per day, month or year for the class of work performed.

Approved April 4, 1917.

**H. C. R. 13; p. 492**

**Tendering use of the House of Representatives for joint meeting of Educational Committees**

Whereas, House Bill No. 652 is of vital importance to the educational welfare of Texas, and

Whereas, Every member of the Legislature having the best interest of the education of the youth of this State at heart, does desire to, and ought to know what the purposes of this Bill are, therefore be it

Resolved, That those who desire to be heard on this measure be invited to address a joint meeting of the Committee on Educational Affairs of the Senate and the Committee on Education of the House, and all others who desire to attend such a hearing, at a meeting to be held in the Hall of Representatives on the evening of Friday, February 16, 1917, beginning at 7:30 o'clock, and be it further

Resolved, that the Senate be asked to concur in this resolution.

Approved February 16, 1917.

**C. S. for S. C. R. 13; pp. 495-496**

**Providing for investigation of conflicts of work being done by certain State institutions and departments**

Whereas, your Committee on Agriculture and Sub-committee on Agriculture have found from testimony and hearings before them, that there is conflict, duplication and repeating in the work carried on by the A. & M. College, the University, the Extension Boards, the Department of Education, the Warehouse and Marketing Departments, and the Department of Agriculture, and

Whereas, said committees have found out from said hearings that there is friction existing among said institutions resulting from said duplicating and repeating work, and,



Whereas, it appears that said institutions cannot agree among themselves upon the functions and lines along which each should act so as not to interfere with, over-lap and impede the progress of each other,

Be it resolved: by the Senate and House concurring, that a Joint committee of this Legislature composed of two Senators and three members of the House, be appointed by the President of the Senate and the Speaker of the House, to consider, investigate and determine, under the constitution and laws of Texas, the distinct and specific fields of operation to be pursued by each of said institutions, so as to avoid and eliminate the duplicating and friction existing among said institutions, and that said committee be allowed sufficient time to minutely go into these matters and prescribe the exact sphere of each of said institutions to the end that this Legislature be requested to make appropriations for each institution in the sphere of activity as prescribed by this committee only, and the duplicating, repeating and over-lapping work done by said institutions may be entirely eliminated, so that each shall perform certain specific acts and things as provided by law and to the end that each institution may be strengthened in its own sphere of usefulness and an enormous amount of money saved to the tax payers of Texas.

Approved March 6, 1917.

### **THIRTY-FIFTH LEGISLATURE, FIRST CALLED SESSION, APRIL 18 TO MAY 17, 1917**

#### **MESSAGE OF GOVERNOR JAMES E. FERGUSON**

May 14, 1917; H. J. p. 300; S. J. p. 218

I hereby respectfully submit for your consideration the matter of placing under the control of the University of Texas for the use and benefit of the University, the buildings and grounds now occupied by the State Institution for the Blind. The said buildings and grounds to be under the management of the University upon the completion of the new buildings for the Blind Institute.

#### **PROCEEDINGS IN THE LEGISLATURE**

H. B. 13—By Mr. Peyton.

To appropriate for the support of the educational institutions.

Became a law. H. J. pp. 469-470; S. J. pp. 406-407.

H. B. 57—By Mr. Bledsoe.

To validate certain purchases of school lands.

Became a law. H. J. p. 472; S. J. p. 409.

H. B. 93—By Mr. Thomason of El Paso.

To vest title to property of old Blind Institute in the University.  
Became a law. H. J. pp. 300, 475; S. J. p. 411.

S. B. 11—By Mr. Hudspeth.

To appropriate for the support of the Educational institutions.  
Reported favorably with amendment. S. J. p. 396.

S. B. 54—By Mr. Hudspeth.

To appropriate for vocational education and accept the benefits  
of the Federal Acts for same.

Became a law. S. J. p. 399; H. J. p. 479.

S. S. R. 26—By Mr. Harley.

To accept an invitation and extend thanks to Dr. Shurter for  
supper at the Men's Gymnasium.

Adopted. S. J. p. 404.

April 18, 1917. H. J. pp. 10-11; S. J. p. 28

Tendering use of Hall for Texas-California Debate.

May 3 and 4, 1917. H. J. p. 108 and 121

Tendering use of Hall to Interscholastic League.

May 12, 1917. H. J. pp. 355-358; S. J. pp. 262-265, p. 21

Report of the Joint Committee appointed under S. C. R. 13 of  
the Regular Session on Conflicting Extension Work.

"We find that on February 8, 1917, an agreement was signed by  
W. F. Doughty, for the State Department of Education; F. M. Bralley,  
for the College of Industrial Arts; Robert E. Vinson, for the  
University of Texas; W. B. Bizzell, for the A. and M. College; W.  
H. Bruce, for the four State Normals, and by Charles S. Meek, Alvin  
Dille, E. T. Genheimer, J. G. Fuqua, Oscar H. Cooper and J. C.  
Williams, for the city and high schools and the senior and junior independent  
colleges of Texas, whereby the duties and prerogatives, respectively,  
of all the State's educational institutions were clearly outlined and defined,  
and the so-called extension work, together with other important studies,  
was placed under the general supervision of the State Department of  
Education. Each institution is bound by this agreement and can not  
duplicate nor overlap any of the others in their work, whether it be  
for extension work or otherwise. Apparently the State's educational  
interests are now correlated and co-operative in all essential parts  
and branches, which will undoubtedly effect much good both in economy  
of management and efficiency of service, and the agreement thus  
voluntarily entered into by these institutions effectually answers the  
inquiry which this committee was specially delegated to direct to them.

[Relates to the affiliation of high schools.]

"For example, as a result of this agreement the following items were eliminated from the budget of the University of Texas, in asking for appropriations for 1918 and 1919, that were carried on the budget for 1916 and 1917 at a total cost of \$58,278.35, to wit:

Division of Home Economics.

Division of Human Conservation.

Division of Public Discussion.

Division of Public School Improvement.

Division of Public School Interests.

Division of Public Welfare.

The reports from the other educational institutions were not furnished the committee in as concrete and understandable a form as that of the University of Texas, but we gather, nevertheless, that proportionately an equal amount in saving of public funds and achievement in efficiency has been effected by all parties to the agreement.

. . . . .

Geo. W. Dayton, chairman; James F. Denton, Secretary; Carlos Bee; Thomason of Nacogdoches; R. L. McDowra.

## LAWS

### H. B. 93, Ch. 39, p. 62

An Act to vest title to the property near the intersection of Nineteenth Street and East Avenue, in the City of Austin, Travis County, Texas, belonging to the Blind Asylum in the University of Texas, and to direct conveyance thereof to the State University, and declaring an emergency.

SECTION 1. That the title to the property near the intersection of Nineteenth Street and East Avenue in the City of Austin, Travis county, Texas, belonging to the State Blind Asylum, consisting of the grounds and buildings now occupied by the said Blind Asylum, be and the same is hereby vested in the University of Texas for a period not to exceed ten years, and the Chairman of the Board of Trustees of said Blind Asylum is empowered and directed upon completion of the new buildings for said Blind Asylum now in course of erection in Austin, Texas.

SEC. 2. The fact that a state of war now exists between the United States and Germany, and that said property is to be used for a school of aviation, creates an emergency, and an imperative public necessity for the suspension of the constitutional rule requiring bills to be read on three several days, and this rule is hereby suspended, and that this Act take effect from its passage, and it is so enacted.

Approved May 25, 1917.

**H. B. 13; Ch. 43, pp. 109-127**

An Act making appropriations to pay the salaries of officers and employes of certain educational institutions and other expenses of maintaining and conducting them as follows, to-wit: University of Texas, Agricultural and Mechanical College, State Experimental Station, Prairie View Normal, College of Industrial Arts for Women, Sam Houston Normal Institute, North Texas Normal, Southwest Texas Normal School, West Texas Normal School and School of Mines at El Paso, East Texas Normal College, John Tarleton Agricultural College, and declaring an emergency.

SECTION 1. That the following sums of money, or so much thereof as may be necessary, be and the same are hereby appropriated to pay the salaries of officers and employes and other expenses necessary for the support and maintenance of certain educational institutions of the State as follows, to-wit:

University of Texas.

For the maintenance, support, and direction of the University of Texas, including the Medical Department at Galveston, including the construction of buildings, for the years beginning September 1st, 1917, and ending August 31st, 1919, all the available University funds, including interest from its bonds, land notes, endowments and donations, all gifts and fees collected, and all receipts whatsoever from any source. For the maintenance, support and direction of the University of Texas, including the Medical Department at Galveston, for the two years beginning September 1st, 1917, and ending August 31st, 1919, from the general revenue.

Main University—Salaries.

College of Arts—Applied Mathematics.

For the years ending

Aug. 31, 1918. Aug. 31, 1919.

Professor, dean of the College of Arts,

dean of men.....	\$ 3,500.00	\$ 3,500.00
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[Salaries Main University itemized, pp. 109-119.]

Contingent Fund:

For such adjustments in salaries and for such additions to the staff as may be necessary, to be determined by the

Board of Regents.....	\$26,500.00	\$26,500.00
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[Salaries, Medical Department, are followed (p. 125) by a contingent fund of \$3,610.00 for each year with an identical proviso.]

[Schools and laboratories, itemized by schools, pp. 119-120.]

#### Contingent Fund:

To make such adjustments as may be necessary and to meet such contingencies as may arise, to be determined by the

Board of Regents.....	\$ 4,244.00	\$ 4,244.00
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[Current expenses, Main University, p. 121; Bureau of Economic Geology, p. 122; Medical Schools and Laboratories, p. 125; Medical Current Expenses, p. 126; School of Mines, p. 127, are each allowed a contingent fund subject to the above proviso.]

[The salary contingent funds were 5 per cent, the others 10 per cent, of their respective totals.]

[Seventeen pages of items, pp. 109-126, were vetoed by the Governor. All items for the School of Mines, pp. 126-127, were left unvetoed.]

#### Total

School of Mines.....	\$ 26,510.00	\$ 27,477.00
Medical Branch.....	98,755.00	98,755.00
Main University.....	719,698.50	710,198.50
Grand Total.....	\$845,963.50	\$836,430.50

Provided that no money herein or hereby appropriated for any purpose shall be paid to any person directly or indirectly who is not at the time of receiving such pay, remuneration or emolument a citizen of the United States under the laws of the United States.

Provided, however, that this Act shall not apply to any person who is not a citizen of the United States under the naturalization laws of the United States who has resided in Texas for a period of ten years and who shall within thirty days after this Act shall take effect make application to become a citizen of the United States and who shall within two years after making such application become a citizen of the United States under the naturalization laws of the United States.

The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no expenditures shall be made, nor shall any obligations be incurred which, added to the actual expenditures, will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 4342, of Chapter 2, Title 65, of the Revised Civil Statutes of 1911.

Approved [Except as vetoed] June 8, 1917.

**A Proclamation by Governor James E. Ferguson, June 2, 1917,  
Second Called Session, H. J. pp. 325-330**

Vetoing and disapproving the entire appropriation made by the Thirty-fifth Legislature for the maintenance of the State University, including the Medical Branch of same at Galveston; vetoing and disapproving said entire appropriation with the exception only of the appropriation made for the support of the School of Mines, at El Paso, Texas, and other sxeptions.

To the Hon Secretary of State:

Exercising the powers given me by the Constitution of the State of Texas, I hereby veto and disapprove the entire appropriation made by the Thirty-fifth Legislature for the support of the State University of Texas, for the fiscal years beginning September 1, 1917, and ending August 31, 1919, the same aggregating \$98,755.00 for the fiscal year ending August 31, 1918, and \$98,755.00 for the fiscal year ending August 31, 1919, for the support of the Medical Branch of the University, at Galveston, Texas; and aggregating \$719,698.50 for the fiscal year ending August 31, 1918, and \$710,198.50 for the fiscal year ending August 31, 1919, for the support of the Main University; same to be spent for the payment of salaries of various professors, associate professors, instructors, assistants, adjunct professor, tutors, curators, secretaries, employes, agents, officers, business manager, assistant business manager, auditors, land agents, laborers of all kinds and description, and for various contingent funds, current expenses, traveling expenses, in said Medical Branch of the State University at Galveston, Texas, and in the said Main University, situated at Austin, Texas; and are fully described in the original House Bill No. 13, on pages from 1 to 24, inclusive, passed by the Thirty-fifth Legislature, and filed in my office on the 17th day of May, A. D. 1917, to which reference is made for a more particular description of the appropriations hereby disapproved and vetoed, excepting, however, from said appropriations the various items for salaries, contingent fund, current expense fund, aggregating \$26,510.00 for the fiscal year beginning September 1, 1917, and \$27,477.00 for the fiscal year beginning September 1, 1918, for the support and maintenance of the School of Mines at El Paso, Texas, which said appropriation for the support of the State School of Mines is hereby approved, and excepting the appropriation of \$3500 for each of two years for salary of professor, dean of the College of Arts, which is approved, and the appropriation of the available University funds is approved, and only and all said appropriation described in said House Bill 13, on said pages from 2 to 24 inclusive, are hereby disapproved and vetoed, and same are blue-penciled and vetoed.

I have taken this action after due consideration and serious deliberation of my duty in the premises. To be sure it is an unpleasant duty, and I had hoped that matters might be arranged so that I might approve the bill after disapproving only those appropriations which appeared wholly unnecessary and unreasonable.

On the 25th day of May, 1917, I wired the Regents of the State University the following:

"I am asking the members of the Board of Regents to meet with me next Monday, the twenty-eighth, at my office, for the purpose of considering a matter very important to the State University. I trust you can come."

In response to said request, on May 28th, the following members of the Board of Regents appeared in my office, to wit: Wilbur P. Allen, Geo. W. Littlefield, J. W. Butler, Geo. S. McReynolds, W. R. Brents and A. W. Fly. After we were closeted in private conference in my office, I informed the Board that I desired to transmit to them a communication, and I read to them the following:

"May 28, 1917.

To the Board of Regents, State University.

Gentlemen: I desire to call to your attention the following:

First. The Legislature just adjourned has appropriated in round numbers \$1,640,000 for the support of the State University for the next two years. The institution now has considerably less than 3000 students, or, in other words, the State is called on to pay approximately \$545 per student for University facilities for those who are able to attend said institution for the next two years. In all probability the State will not set aside for those attending the common schools of the country more than \$15 for the next two years. Before we commit ourselves to the expenditure of this vast sum of money for the benefit of such a comparative few of our people, we ought to satisfy ourselves that the money is being wisely spent. And this brings us to the question of, what is the University doing, and what is it seeking to do?

Second. In my opinion the University has not a proper president. He has neither that experience as a teacher nor sufficient educational attainment that would qualify him to fill this important place. His management of an institution previous to his promotion to the presidency of the State University was a failure, and his record there by no means recommended him to be employed at \$6000 a year by the people of Texas.

He is also a sectarian preacher, and not only makes no denial of such fact, but since his elevation to the presidency of the institution has regularly and often continued to preach under the auspices of his particular religious denomination. Article 2645 reads as follows:

'No religious qualification shall be required for admission to any office or privilege in the University; nor shall any course of instruction of a sectarian character be taught therein.'

This, in my opinion, disqualifies your president from continuing longer as president of the University. The University was created for the benefit of all the people of our State, and by all means no man should be president of the State University who has aligned himself as the leader of any religious sect or denomination. Our Constitution, Section 6, provides:

'All men have a natural and indefeasible right to worship Almighty God according to the dictates of their own consciences. No man shall be compelled to attend, erect, or support any place of worship, or to maintain any ministry against his consent. No human authority ought, in any case whatever, to control or interfere with the rights of conscience in matters of religion, and no preference shall ever be given by law to any religious society or mode of worship. But it shall be the duty of the Legislature to pass such laws as may be necessary to protect equally every religious denomination in the peaceable enjoyment of its own mode of public worship.'

Section 7 further provides:

'No money shall be appropriated or drawn from the Treasury for the benefit of any sect, or religious society, theological or religious seminary; nor shall property belonging to the State be appropriated for any such purposes.'

I have no objection to your president being a minister of his sectarian denomination, but I do deny the right of the University to pay the State's money to any minister as long as he continues to preach.

Aside from all this, the placing of a sectarian minister at the head of the State University will of necessity be distinctly offensive to other religious denominations.

Third. The University has permitted the growth of an institution, which though it may have been innocent in its original intention, now threatens the life of the University itself. I refer to the fraternal societies permitted at the State University. These institutions have caused a well defined line between wealth and poverty to be established at the University of Texas, and have established a line of social class. These institutions are composed almost invariably of young men of well to do, and in most cases, wealthy means. They call themselves fraternity brothers, and all the other young men of the school not so fortunately situated they call Barbarians. The fraternity brothers live in stately mansions adjoining the University grounds, where they enjoy and live in all the comforts and luxuries which money can buy. Their more unfortunate brothers live in crowded boarding houses and eat at what they call the Cafeteria, but which is in reality a soup house, furnishing 11 and



12 cents meals. I do not say that there may not be some good in these institutions. But the University ought not to be an institution of mass and class. It should not advertise any young man's wealth, nor ridicule any young man's poverty. If the University cannot be maintained as a democratic University, then we ought to have no University.

It is a well known fact that young men who are called Barbarians are not entitled to the same social recognition as the Fraternity Brothers who are able and who do make glaring displays of their wealth at the State University.

Fourth. It is a fact well known that gross irregularities continue at the State University, and the illegal misappropriation of the public funds by certain members of the University faculty is no longer a private secret. Within the last four years more than twenty-four teachers have been permitted to absent themselves from the State from four to nine months in the year, and draw from one-half to their full salaries from the State of Texas. In addition to this it is well known that there are many professors at the State University drawing around \$3000 a year who are not working fifteen hours a week. A great part of the work is done by instructors of little or no educational attainments, and the dignity of the institution is thereby greatly impaired.

Fifth. It is a fact well known that the University is attempting to do a class of work which can be done by other institutions of the State at a much less expense, and which ought to be done by other institutions.

Sixth. It is a fact well known that members of the faculty of both the main and medical branches have organized themselves into small cliques and clans, and who are seeking to control the University, regardless of the powers of the Board of Regents and in open defiance of the other duly constituted authorities of the State.

Seventh. There are many other unsatisfactory conditions at the State University, and it is quite apparent that it has become an institution of fads and fancies, grossly mismanaged, which is directly responsible for the enormous and extravagant appropriation which the people are called upon to make for its support.

In my opinion, if the University is to be maintained as a democratic institution, identified with and close to the masses who support it, it should have new blood in its faculty and a competent man at its head. I have, therefore, called you gentlemen to especially consider these matters; believing that after you have carefully considered all the facts you will agree that there is much foundation for this recommendation."

While I was reading the sixth paragraph of said communication which called attention to the fact that cliques and clans in the University were seeking to control the University, regardless of the

powers of the Board of Regents and in open defiance of the other duly constituted officers of the State, we heard the music of a band resounding in the corridors of the State Capitol. Upon looking out of our window we saw the student body of the State University which had formed on the University campus about a mile from the State Capitol and had marched en masse to the State Capitol behind a band and carrying banners reading: "The University's future is at stake," "We fight autocracy abroad, can we tolerate it at home?" "We are with the Board of Regents in the opposition to the Governor's unconstitutional demand," "Kaiserism is a menace abroad and likewise a menace at home."

In said procession there was also a man in United States soldier uniform who had come from the training camp at Leon Springs for the purpose of taking part in said parade in which said banners were carried.

This parade marched down the walk in front of the Capitol and in about fifteen or twenty minutes returned by the same route, to the State Capitol and came directly in front of my office, where I was then conferring with the Board of Regents, and in turn exhibited said banners directly in my face and within twenty feet of where I and the Board of Regents were conferring. And while said banners were being flaunted in my face, various students of the University called to me in derisive tones to read the banners. And said body of students remained in front of my office window for twenty-five minutes, and the howling and yelping were of such degree that further deliberation of myself and the Board of Regents was absolutely prevented. It is agreed by everybody in Austin that the president of the State University dismissed from their classes the entire student body of the University on the morning that said parade was formed on the University campus. It is further agreed that said banners, some of them ten and twelve feet long and three and four feet wide, were exhibited on the University campus in the presence of the faculty of the University before said parade started on its march to the State Capitol.

After said student body had left the State Capitol, the Board of Regents in my office decided to hold at once a meeting at their office at the State University to determine who was responsible for said parade. So far as I am concerned, it is immaterial who is responsible. The fact remains that the parade took place and that the banners were carried. If the young men who carried the banners did so of their own volition, then said sentiment and idea expressed on said banners were the result of the teaching and influence which they have received at the State University. If they carried them under the instruction of the faculty, then I unhesitatingly declare that the State University should be abolished, and never reopened with a faculty who would permit such acts.

No action was taken, so far as I am informed, upon my recommendations to the Board of Regents, and I had no further conference with the Board of Regents after they left my office, other than personal conversations with members of the board. What I had to say to the Board of Regents I communicated to them in writing at my office, as above set forth.

On the 31st day of May, 1917, the Board of Regents convened in regular meeting at the city of Galveston where is located the Medical Branch of the State University. The day that said board met in Galveston there was filed in the District Court of Travis county, Texas, a suit styled Jno. A. Lomax vs. G. S. McReynolds et al., in which suit the said Jno. A. Lomax prayed, through his attorneys, Brooks, Hart and Woodward, for a restraining order to prohibit the said Geo. S. McReynolds, A. W. Fly, C. E. Kelley and John M. Mathis, members of the Board of Regents of the State University, from performing any act or thing or entering into any agreement or combination or attempting to take any vote or passing or attempting to pass any resolution for the purpose of removing or attempting to remove the said Jno. A. Lomax and any other members of the faculty of the State University from their positions until the further orders of said court; and further praying that upon final hearing a permanent injunction issue, perpetually restraining and preventing said defendants, as members of the Board of Regents, from taking action or performing any of said acts.

It is a fact well known that every member of the Board of Regents has expressed the view that said Jno. A. Lomax ought to be removed from the position which he holds, and if given an opportunity to do so will vote for his removal; and upon a hearing of this case in court said facts would be admitted. A majority of the Board of Regents have expressed the view that the President of the University ought to be removed, and if given an opportunity to do so would so vote to remove; and upon a hearing of said case in court such facts would be admitted.

Therefore, the court having granted the temporary injunction upon such allegation, it is to be presumed that if the facts alleged in the petition were found to be true that the court would perpetuate said injunction, and the result would be that the Board of Regents, having a constituted power and right to remove any official of the State University, would be permanently restrained by the order of said court from removing officials who in their discretion they think not to be the proper persons to fill such positions.

[This temporary injunction was dismissed by Judge Ireland Graves, of the Twenty-sixth District Court, on July 3, after a hearing lasting from June 11 to June 15. The law, said Judge Graves, gives the Board of Regents full authority to manage the University—"to determine the offices and professorships, appoint the professors and other officers, fix

their salaries, and remove any professor or other officer when in the judgment of the board the interest of the University may require it." While the rules and regulations of the Regents declare that the board will remove no one without cause, this cannot limit the statute. It may be argued that "independently of the rules of the board and under the statutes, the board should be prohibited from acting arbitrarily." But, "If the statutory injunction under which the board now rests and the solemn obligation assumed by its members upon subscribing to the oath of office do not operate as a sufficient restraint, the court injunction would either be futile or its tendency subversive of the very freedom sought to be preserved in the board." If the powers of the board are too broad, the remedy is a legislative and not a judicial function, says the court. "If by lawful means, I might compel adherence of those having exclusive control over the University to the high ideals by which, it would seem to me, they should be guided, it would be a pleasure to make use of such means. But, as I view it, no such means being provided, loyalty to those same ideals forbids the use of others." However, "If doubt may be expressed as to the judicial power to interfere with the actions of the board the utter want of such lawful power in the executive is as indubitable as certainty itself."] Ferguson's War on the University, p. 40.

Regardless of consequences; I am not going to sit idly by and approve a \$1,600,000 appropriation, and have my friends whom I have appointed to assist me in carrying on the affairs of the government permanently restrained from having a voice as to how this vast sum of money shall be spent and being required to keep any official against their will.

Aside from any court procedure, I refuse to be intimidated or bluffed by any mob, and as long as I am in the Governor's office I shall not be afraid to exercise any powers which the Constitution of the State gives me in any manner that to me seems right and proper. I am only answerable to my own conscience, and to the people who elected me.

It might be interesting to let the people know one of the main reasons for all this row. In the speech made on the campus previous to the parade to the State Capitol made by George Peddy, member of the Legislature from Shelby county, and now a member of the Training Camp at Leon Springs, as reported by the Austin American, we find one of the real reasons for this fight. The Austin American says: "In a strong voice, keyed to the situation, Mr. Peddy began by saying that he and the Governor had met on the floor of the House in discussion of University matters before. He thanked the students for having elected him as president of the Student Council and said that the present moment was the most critical in the history of the University. The fight started, he declared, when the Governor began his rural school campaign and appealed to the people of the State in a prejudiced manner."

This expresses in words better than I could employ, explains why for the past several months I have had to submit to the criticisms and investigations brought on by those who wanted to control me



and could not. We just as well face the issue and determine whether this State shall let the autocratic, educated high-brows control its policies, as whether the people, themselves, are going to reap some of the benefits which the government can bestow. I have thought this matter over carefully. I had hoped that the issue might be avoided, but it seems otherwise. I, therefore, throw down the gauntlet to those who want to oppose me on this issue, and let us take it to the people and let them say who is right and who is wrong.

The University of Texas is controlled by the rich men's sons. They have, through their college fraternities, established an educational aristocracy who have no respect for the Legislature, for the Governor, or for the Board of Regents, and I shall never be content until they are banished, root and branch, from the State University, and that institution is put in the hands of those in sympathy with our toiling masses, and who up to this good hour have had no voice in its management other than to pay exorbitant taxes for its support.

After all, it is no more the duty of a government to educate a man to be a lawyer than it is to educate him to be a blacksmith; it is no more the duty of the government to educate a man to be a doctor than it is to educate him to be a farmer; and I again reiterate that there are too many people going hog wild about higher education.

I understand when this veto is published that a great howl will go up from certain people who have already received the bounty of the State, and they will tell all sorts of stories and make all character of misrepresentations. Already I have been threatened with anonymous letters of physical violence if I veto this appropriation; but I shall not falter, and I shall face my accusers as I have always faced every other issue; trusting in the merits of my position and the loyalty of our masses to sustain me.

Done at Austin, Texas, this the 2nd day of June, A. D. 1917.

JAS. E. FERGUSON,

Governor of Texas.

**A Proclamation by Governor James E. Ferguson, May 29, 1917,  
Third Called Session, Senate Journal, p. 165**

Whereas, In January, 1915, a vacancy occurring, I appointed S. J. Jones of Salado, Texas, a member of the Board of Regents of the University of Texas; and

Whereas, The said S. J. Jones, since his appointment and during his incumbency in office, has openly manifested an utter lack of harmony with the views and purposes of the present administration, and has failed to attend to the duties and requirements of his office:

Now therefore, Under the powers vested in me by the Constitution and laws of this State, I, Jas. E. Ferguson, Governor of Texas, for the reasons herein set forth, do vacate the appointment of the said S. J. Jones, and he is hereby removed from said Board of Regents of the University of Texas.

In testimony whereof . . . .

[On May 31, 1917, County Attorney John W. Hornsby was granted by Judge Ireland Graves, of the Twenty Sixth District Court in Austin, an order enjoining Dr. James P. Tucker from acting as a member of the Board of Regents on the plea that Governor Ferguson had no constitutional right to remove Dr. S. J. Jones without cause established by trial, Dr. Tucker having been appointed in the place of Dr. Jones. This injunction came up for trial on June 11, and Dr. Tucker failing to appear, the injunction was continued. On July 12, Dr. Tucker resigned and John L. Ward was immediately appointed in his place. Thereupon Judge Ireland Graves issued an order restraining Mr. Ward or any other person from "in any way attempting to assume or exercise the functions of regent of the University of Texas as successor to the intervenor S. J. Jones, and from instituting or attempting to prosecute in any other court any suit having for its purpose the restraint of intervenor in any manner from the lawful discharge of his duties as regent of the University of Texas." At the same time each member of the Board of Regents was enjoined individually, and their successors were enjoined, (1) to recognize Dr. Jones as the "duly qualified, authorized and acting regent of the University of Texas;" and (2) "from recognizing or attempting to recognize any other person than intervenor, S. J. Jones, as incumbent of the office to which he was appointed."] Ferguson's War on the University, pp. 41-42.

**Proclamation by the Governor of Texas [James E. Ferguson], June 6, 1917. Second Called Session, Thirty-fifth Legislature.**

**H. J. p. 223; Third Called Session. S. J. p. 169**

[Remits a judgment of \$5,000 against Wilbur P. Allen et al., bondsmen for Louis Rodríguez, supposed to be in Mexico.]

## GENERAL LAWS

**H. B. 78; Ch. 49, p. 244**

An Act making appropriations to pay miscellaneous claims against the State, authorizing the payment of said miscellaneous items except as otherwise stated in the item, on the taking of this Act, making appropriations for deficiencies incurred in the support of the State Government, for the fiscal year ending August 31, 1917, for the purpose of meeting emergencies occurring during the fiscal year ending August 31, 1917, and making appropriations for the support and maintenance of the Adjutant General's Department for the years ending August 31, 1918, and August 31, 1919, and to pay various miscellaneous claims against the Texas Prison Commission prescribing the time of such payments, and declaring an emergency.

. . . . .

## SCHOOL OF MINES, EL PASO

To pay W. R. Long, auditor University, for money paid to tutor of School of Mines, when appropriation only appeared for one year ending August 31, 1916.....\$900.00

### THIRTY-FIFTH LEGISLATURE, SECOND CALLED SESSION, AUGUST 1 TO 30, 1917

[See Index to the Ferguson-University Controversy.]

#### Call of the House of Representatives to Impeach the Governor, by Speaker F. O. Fuller. July 23, 1917

[He announced three reasons for the call: (1) the governor's violation of the Constitution and the statutes in his dealings with the University; (2) his refusal to reconvene the locating board of the West Texas A. and M. College, though evidences of fraud in the selection of Abilene had been discovered; and (3) his failure to fulfill his promise made under oath to the House's investigating committee in March to repay the public funds illegally spent for the use of himself and his family.]

The people of Texas, by Article VII of the Constitution of this State, provided for the establishment, maintenance and support of a university of the first-class to be known as the University of Texas. Thus is expressed the will of the people of this State, and until recently no one has denied the right of the sovereign people to have such a university. The Constitution further provides by the amendment of 1912, known as Section 30-A of Article 16, for a Board of Regents who should hold their respective terms for six years each.

By Article 2639 and 2640 of the Revised Civil Statutes of 1911, the Board of Regents are given the management and control of the affairs of the University of Texas, with the right to remove the members of the faculty when in their judgment it is deemed advisable.

Article 6027 provides for the removal of the Board of Regents, among other officers, for "good and sufficient cause."

The Thirty-fifth Legislature passed an appropriation which in their judgment was necessary for the support and maintenance of the University of Texas. The Governor has at no time advised the Legislature that he considered the appropriation excessive, or improper, but has made some objection publicly to what he considers its misuse, and he has vetoed the entire appropriation except one salary of \$3,500 per annum. The University of Texas cannot be maintained and supported on the salary of one man, and no deficiency can be based on such an item. The Attorney General has held that the veto was not effective, but before a test of that question can be had in court the fall term of the University will be passed, and the

Governor has declared that the University of Texas will not open its door until every member of the faculty to whom he objects is expelled.

He has charged the faculty generally of being grafters, liars and traitors and in my judgment without reason. He has sought to substitute his own will for the judgment of the Board of Regents, demanding of them that members of the faculty be dismissed, even without a hearing, thus seeking to override the law. He has removed members of the Board of Regents without good and sufficient cause in order to appoint one who will carry out his own wishes, and has sought to substitute only his unbridled will in place of their lawful judgment. By Section 28 of the bill of rights no power for suspending laws is lodged in the Governor, but he has sought to suspend them and have them set aside to suit his own desires.—Ferguson's War on the University, p. 43-44.

[These charges are repeated in amplified form by Speaker Fuller, H. J. pp. 4-5, Charges 7, 8, 9, 10.]

**Proclamation by Governor James E. Ferguson. August 1, 1917.  
H. J. p. 2; S. J. pp. 2-3**

Whereas, on the 2nd day of June, A. D. 1917, I, as Governor of Texas officially vetoed and disapproved the main part of the appropriation made by the Thirty-fifth Legislature for the maintenance of the State University, including the Medical Branch of same, at Galveston, Texas, same being now upon file in the office of the Secretary of State; and

Whereas, in said veto proclamation I gave my reasons for said action, to which reference is hereby made, and which reasons are hereby reaffirmed and reasserted; and which action I would again repeat under the same circumstances; and

Whereas, it has been untruthfully stated and persistently circulated that I vetoed said appropriation because I was seeking to destroy the State University, and because I knew at the time that on account of the fact that the Legislature had adjourned, the Legislature would not have an opportunity to override my said veto.

Now, therefore, by virtue of the authority vested in me under the Constitution and laws of the State of Texas, I do hereby call and convoke the Thirty-fifth Legislature in a Second Called or Special Session, and order that same be convened in the State Capitol at Austin, Texas, at 12 o'clock high noon, Wednesday, the 1st day of August, A. D. 1917, for the purpose of considering and making additional appropriation for the support and maintenance of the State University for the two fiscal years beginning September 1, 1917, and ending August 31, 1919.



I do not fear the traducers of my good name; and this great question of proper education will continue to be an issue before the people of this State. And I am glad of the opportunity to let the representatives of the people in the Legislature put themselves on record, so that the voters of the State may weigh the official acts of their public servants on this far-reaching issue.

I trust and hope that the Legislature will pass upon this appropriation within ten days, and I promise that within the succeeding ten days, I will pass upon the appropriation so that if my views do not coincide with the views of the Legislature they will have ample opportunity to take such action as they may deem meet and proper in the premises.

I again declare that the appropriation made by the Thirty-fifth Legislature was grossly excessive and extravagant, and I am willing to have the issue clearly joined, and then we will go to the people and let them say which servant represented their views.

Given under my hand and seal of office this the 30th day of July, 1917, at the city of Austin, Texas.

#### PROCEEDINGS IN THE LEGISLATURE

H. B. 3—By Mr. Dudley.

To appropriate for the support of the Main University.

Referred. H. J. p. 801.

H. B. 21—By Mr. Beason.

To appropriate for the support of the Medical Department.

Referred. H. J. p. 802.

H. S. R.—By Mr. White.

To hasten the University appropriation bill.

H. J. p. 12.

H. C. R.—By Mr. Tillotson.

To investigate the University.

H. J. pp. 7, 8, 25.

S. B. 3—By Mr. Hudspeth.

To appropriate for the maintenance and support of the University for the fiscal years ending in 1918 and 1919.

Became a law. S. J. p. 124; H. J. pp. 802.

[S. B. 3 differed from H. B. 13 of the First Called Session in the following respects as regards items:

Miss Lavinia Harvill is added as an assistant in the Library at a salary of \$1,000 with the recommendation that she be employed for life, "because the State is responsible for the loss of her hand."

The appropriation for the School of Mines in H. B. 13, left unvetoes by Governor Ferguson, is omitted from S. B. 3.

The appropriation for the salary of the Professor of Applied Mathematics, the first item, left unvetoes by Governor Ferguson, appears in both H. B. 13 and S. B. 3, but a clause in the caption of the latter bill prevents the payment of a double salary.]

In the passage of S. B. 3 motions were made to abolish the School of Journalism (S. J., p. 19), to provide that no salaries be raised unless others be lowered an equal amount (S. J., p. 19), to prevent extra salaries such as those of the Summer School (S. J., p. 19), to prevent professors receiving fees for correspondence courses and lectures.]

S. C. R. 4—By Messrs Dayton and Clark.

To investigate the University of Texas in response to a request from the faculty, management and alumni.

Referred. S. J. p. 125.

S. S. R. 11—By Messrs Dayton, Parr, Bee, and Hudspeth.

To request the Finance Committee to begin at once the preparation of the University appropriation bill.

Motion to refer tabled. S. J. p. 126.

S. S. R. 25—By Messrs Strickland, Johnston of Harris and Suiter.

To declare it to be the sense of the Senate that Wilbur P. Allen resign as a member of the Board of University Regents at once.

Slightly changed and adopted. S. J. p. 127.

S. S. R. 26—By Mr. Lattimore.

To consider the appointment of Dr. Fly as a member on Exemption board and his consequent resignation, and reappointment as a Regent with a view to rejecting or confirming him as a Regent if necessary.

Adopted. S. J. p. 127.

S. S. R. 29—By Mr. Dayton.

To express confidence in the efficiency, loyalty and qualifications of members of the State University Faculty.

Set as a special order. S. J. p. 127.

S. S. R. 30—By Mr. Lattimore.

To state that if John Mathis has been appointed as a member of the Board of Regents, his name should be sent to the Senate for confirmation or rejection.

Motion to table lost; resolution adopted. S. J. p. 128.

S. S. R. 45—By Mr. Strickland.

To request the House to prefer articles of impeachment against Wilbur P. Allen unless his resignation [as Regent] is tendered within three days.

Referred. S. J. p. 128.

August 9, 1917. H. J. p. 44

Communication from Texas Farmers' Congress favoring "adequate support for the institutions of higher education in this State that . . . can be provided only by a direct tax fixed in the organic law of Texas. And to this end we recommend . . . an amendment to the Constitution. . . ."

August 24, 1917; H. J., pp. 78-83

REPORT OF COMMITTEE TO PREPARE ARTICLES OF  
IMPEACHMENT

Sir: Your board of managers appointed to prosecute the case of the House of Representatives against James E. Ferguson, Governor of Texas, beg leave to submit the following Articles of Impeachment against the said James E. Ferguson, with the recommendation that said Articles of Impeachment be adopted by this House and presented to the Senate.

Signed—Bledsoe, Fly, Murrell, Haidusek, Spencer of Wise, McMillin, Woods, Thomason of El Paso, Cope, Bryan.

## ARTICLES OF IMPEACHMENT

Article 15. The people of this State have adopted an organic law, the Constitution of Texas, equally binding upon its highest officials and its humblest citizens. Article 7 of that Constitution provides for the maintenance and support of the University of Texas. That provision is a direction given by the people themselves in their most solemn manner to those who represent them in office as to their duties.

The Governor has vetoed or attempted to veto the entire appropriation for the University of Texas except the salary of one officer, thus in effect seeking to set aside that provision of the organic law requiring the support and maintenance of that institution, and to set aside the express will and judgment of the people of Texas. Though he had the legal power to veto, it was his sworn constitutional duty to again submit the question to the Legislature, which he has declared to the people of Texas that he would not do, and it was only when a session had been called for his impeachment and it was apparent that a quorum of the House would attend to consider that question, and as a last extremity, he consented to call a session of the Legislature and submitted the question of appropriations for the University of Texas.

[Yeas, 65; nays, 51; H. J. p. 97.]

Article 16. Section 30a of Article 16 of the Constitution of Texas provides for a Board of Regents for the University of Texas, who shall hold office for six years, their terms expiring one-third every two years. The purpose of the people of Texas in the adoption of this provision was to take the University of Texas and all other such State institutions from the control of politics, and to keep the different boards from being under the control and domination of whomever might happen to be Governor. By Articles 2639 and

2640 of the Revised Civil Statutes of 1911 the Board of Regents are given the management of the affairs of the University of Texas with the discretion to remove members of the faculty when in their judgment it is deemed best. That it is the duty of the Governor, or any private citizen, to call attention of the Board of Regents to any mismanagement or improper practices at the University or any other State institution, is readily conceded. The people themselves have given to the Board of Regents by constitutional enactment, which has been confirmed by statutory law, the sole right to judge of the truth of the charges and the punishment to be inflicted against members of the faculty. The Board of Regents in their sphere are just as supreme as the Governor is in his, each having both constitutional and statutory duties to perform, and each being answerable to the people of Texas. The Governor of Texas not only filed charges against certain members of the faculty, as he had a right to do, but after the members were exonerated by the Board of Regents he has sought to have the members of the faculty expelled from that institution because he desired it. He has thus sought to set aside the Constitution and law giving to the Board of Regents the discretion in matters of this kind, and assert instead of their legal judgment his own autocratic will.

[Yeas, 74; nays, 45; H. J. p. 98.]

Article 17. Article 6027 of the Revised Civil Statutes of 1911 provides for the removal of members of the Board of Regents (among other officials) for "good and sufficient cause." The Governor has sought to remove members of the Board of Regents without such cause, has demanded resignations of other without reason, simply and only because he could not dictate to them as to how they should cast their votes in reference to matters arising before them. Such conduct was a clear violation of the law, and would serve to make inoperative the provision of the Constitution providing for six-year terms of office.

[Yeas, 73; nays 46; H. J. p. 98]

Article 18. The Governor of Texas has in public speech and published writings declared to the people of Texas that the faculty of the University are grafters and corruptionists, that they are liars, and that they are disloyal to their government. These are most serious charges. He made them first before the Legislature convened in January, 1917. The members of the faculty, in justice to themselves, to the institution which they served, and to the people of Texas, whose money supports and maintains that institution, applied to the Senate of Texas for a full and fair investigation. They sought in every way possible that the people of Texas might know every fact and circumstance connected with the management of the University of Texas. James E. Ferguson opposed that investigation and on the urging of his friends in the Senate



that the controversy was ended, and that the charges would not be repeated, there was adopted the Dayton resolution by the Senate of Texas, which was for the purpose of settling the controversy. After the Legislature had adjourned and when investigation was no longer possible by the representatives of the people, the Governor again repeated the charges, becoming more and more vehement. If he knew the charges to be true, it became his sworn duty to cause the parties involved to be prosecuted. If he did not know them to be true (and the Board of Regents after a fair hearing found that they were not true), he is guilty of criminal libel and slander against the fair name of Texas and one of its most cherished institutions.

[Yeas, 67; nays, 48; H. J. p. 99.]

Article 19. The Governor of Texas has sought to use the power of his office to control members of the Board of Regents. The chairmen of the Board of Regents had become surety on a bail bond, the case pending in Jones county, Texas. The defendant escaped and judgment was secured on said bond in the sum of \$5000 against the principal and sureties, one of the sureties being Wilbur P. Allen, chairman of the Board of Regents of the University of Texas. He applied to the Governor of Texas for the remission of the judgment, which he would have had to pay, and without good reason, but only to influence his action as a member of the Board of Regents, James E. Ferguson as Governor remitted the forfeiture of \$5000, which, except for such action of James E. Ferguson, would have belonged to the people of Texas.

[Yeas, 69; nays, 50; H. J. p. 100.]

[Of the 93 Representatives who voted for impeachment, 24 were ex-students or students of the University: 6 of these had been students during the last five years, 11 during the last ten years.

Of the 41 Representatives who voted against all the articles of impeachment, 10 were ex-students.]

#### August 28, 1917. S. J. p. 78

W. G. Love of Harris and John L. Ward of Bell, nominated as Regents by Governor Ferguson, were rejected by the Senate.

#### August 29, 1917. S. J. p. 114

Dr. A. W. Fly of Galveston, renominated as a Regent by Governor Ferguson, was rejected by the Senate.

[July 12, Regent Fly was served with an order from Judge George Calhoun of the Forty-ninth District Court restraining him from acting as a regent on the ground that he had vacated his office by accepting a federal appointment as physician of the Galveston draft exemption board. Dr. Fly announced his intention to defy the injunction, saying that his lawyer had advised him that the two positions were not in-

compatible so long as he did not accept remuneration from the federal government. Judge Calhoun then enjoined the members of the Board of Regents individually from recognizing Dr. Fly as regent, and enjoined the secretary from recording his vote. The next day Dr. Fly re-entered the meeting with a new commission from the Governor. It was explained that he had resigned his federal appointment and been re-appointed to the Board of Regents.—Ferguson's War on the University, p. 42.]

## LAWS

### S. B. 3; Ch. 3, pp. 3-20

An Act making appropriations to pay the salaries of officers and employees of the University of Texas, including the Medical Branch at Galveston, Texas, and other expenses of maintaining and conducting the same for the two fiscal years beginning September 1, 1917, and ending August 31, 1919; repealing all laws or parts of laws in conflict herewith or covering the subject-matter in whole or part hereof; and declaring an emergency.

SECTION 1. That the following sums of money, or so much thereof as may be necessary, be and the same are hereby appropriated to pay the salaries of officers and employes and other expenses necessary for the support and maintenance of certain educational institutions of the State, as follows, to wit:

### UNIVERSITY OF TEXAS

For the maintenance, support and direction of the University of Texas, including the Medical Department at Galveston, including the construction of buildings, for the years beginning September 1, 1917, and ending August 31, 1919, all the available University funds, including interest from its bonds, land notes, endowments and donations, all gifts and fees collected as matriculation fees, dues and money from any source collected.

And provided further that the appropriation for the Cactus, Texan or other student publications herein made shall not be effective unless the managers of said publication shall make full, complete and duly certified itemized quarterly statements to the Board of Regents, showing the amounts and sources of all sums of money collected for or on account of any and all of said publications, and how expended, if expended, and the amount of the credit of each, and if from said reports it be shown that said appropriations or any of same or any part thereof be not reasonably necessary, then the same or so much thereof as may not be necessary shall not be used, and all receipts whatsoever from any source. For the maintenance, support and direction of the University of Texas, including the Medical Department at Galveston, for the two years beginning September 1, 1917, and ending August 31, 1919, from the general revenue.

[Sixteen pages of itemized appropriations follow here.]

Provided that no money herein or hereby appropriated for any purpose shall be paid to any person directly or indirectly who is not at the time of receiving such pay, remuneration or emolument a citizen of the United States under the laws of the United States.

Provided, however, that this act shall not apply to any person who is not a citizen of the United States under the naturalization laws of the United States who has resided in Texas for a period of ten years and who shall within thirty days after this act shall take effect make application to become a citizen of the United States and who shall within two years after making such application become a citizen of the United States under the naturalization laws of the United States.

The appropriations herein provided for are to be construed as the maximum sums to be appropriated to and for the several purposes named herein, and no expenditures shall be made, nor shall any obligations be incurred which, added to the actual expenditures, will exceed the amounts herein appropriated for either of the said purposes, except under the provisions provided for in Article 4342, of Chapter 2, Title 65, of the Revised Civil Statutes of 1911.

SECTION 2. All laws and parts of laws in conflict herewith or covering the subject matter hereof are hereby repealed.

SECTION 3. The fact that there is grave doubt as to whether or not adequate provision has been made for the support and maintenance of the State University and its branches for the years mentioned above, together with the fact that the date of the opening of the next session of the University is near at hand, creates an emergency and an imperative public necessity requiring the suspension of the constitutional rule requiring bills to be read on three several days, and that this Act take effect from its passage, and such rule is hereby suspended and it is hereby declared that this Act shall take effect from its passage, and it is so enacted.

Approved August 31, 1917.

### **THIRTY-FIFTH LEGISLATURE, THIRD CALLED SESSION, AUGUST 31 TO SEPTEMBER 29, 1917**

[See Index to the Ferguson-University Controversy.]

**Proclamation of Acting Governor W. P. Hobby. September 5, 1917.**  
**H. J. p. 6; S. J. p. 2**

5. To facilitate a fair and impartial trial of the Articles of Impeachment preferred by the House of Representatives against the Governor of Texas.

[The Proclamation is dated Aug. 29].

PROCEEDINGS IN THE LEGISLATURE

H. B. 59—By Messrs. Fuller, Tillotson, Fly and ten others.

To create a joint legislative investigating committee.

H. J. p. 295.

H. S. R. 3—By Mr. Fly.

To provide for an investigation of the State departments and institutions.

Adopted; House Committee appointed. H. J. p. 296.

H. S. R. 21—By Mr. Thompson of Hunt.

To provide for an investigation of the State departments and institutions.

Tabled subject to call. H. J. p. 296.

H. S. R. 25—By Messrs. Beasley and Richards.

To print in the Journal a "Statesman" editorial complimentary to Mr. DeBogory and Mr. Low of Washington.

Adopted, 80 to 17. H. J. p. 295.

S. B. 9—By Mr. Bailey.

To secure unpaid purchase money on public free school, University and Asylum lands.

Became a law. S. J. p. 1080; H. J. p. 297.

S. S. R. 8—By Messrs Strickland and Page.

To request the Governor to set a time to hear a committee from the Senate upon the reasons why Wilbur P. Allen should be removed from the Board of University Regents.

Adopted. S. J. p. 1091.

S. S. R. 18—By Messrs Dayton and Clark.

To provide for a full investigation of the State University and institutions amended so as to include all State departments.

Adopted; Committee named. S. J. p. 1091.

S. S. R.—By Mr. Clark.

To call upon the House to file impeachment charges against George W. Littlefield, a regent, because his bank carries an average daily balance of \$70,000 of University money without paying interest upon the deposits.

Tabled 24 to 4, expunged from the Journal 21 to 7.

September 26, p. 3, Dallas News.

September 3, 1917; S. J. p. 50

A letter of Will C. Hogg to Wilbur P. Allen admits that the former made "an honest mistake" when he charged the latter "with utterly disregarding" the Dayton resolution, [S. S. R. 29, Second Called Session], but claims that there was some excuse for the mistake.

Sept 29, 1917; S. J. p. 1080; H. J. p. 276

Miss Lavinia Harvill thanks by letter the Legislature for making



her an assistant librarian at the University because of "losing my right arm in the service of one of the State institutions."

## LAWS

### S. B. 9, Ch. 29, pp. 95-96

An Act creating an express lien in favor of the State of Texas on all public free school land, University land, and the several Asylums land for the use and benefit of the Public Free School Fund, the University Fund, and the several asylums funds for the purpose of securing the payment to said funds of all unpaid purchase money and interest thereon due and to become due upon all the said lands, which have heretofore been sold and which may hereafter be sold so long as any portion of the principal or any portion of the interest thereon remains unpaid; also authorizing the Commissioner of the General Land Office on behalf of the State of Texas to transfer the indebtedness due to said funds and the lien held upon said land for the benefit of said funds to secure the payment of the principal and interest to such person, firm or corporation, "or the Federal Farm Loan Bank" as may make payment in full to the State for all sums due upon said land, and providing that the person, firm or corporation, that may pay said indebtedness shall be subrogated to all the rights, liens and remedies held and enjoyed by the State and declaring an emergency.

Section 1. For the purpose of securing the payment of all principal and interest now due and that which may hereafter become due upon any former sale, or upon any sale that may hereafter be made by the State of any public free school land, University land and the several asylums land, the State shall have an express lien for the use and benefit of the fund to which the land belongs in addition to any right and remedy that it now has for the enforcement of the payment of any principal or interest that may become due and be unpaid.

Sec. 2. If the owner of any land mentioned in this Act should consent for any person, firm or corporation "or the Federal Farm Loan Bank" to pay to the State the principal and interest due upon any obligation given for any land included in this Act, and such person, firm or corporation, "or the Federal Farm Loan Bank" should make such payment, the Commissioner of the General Land Office shall be authorized upon the written request of such owner duly acknowledged in the manner required for the conveyance of real estate coupled with an affidavit of ownership to execute, acknowledge and deliver a written transfer of the indebtedness held by the State to such person, firm or corporation or the Federal Farm Loan Bank as may be authorized to receive the transfer; pro-

vided, if the land claimed by the one representing himself to be the owner, should be held under such evidence of title as the law or rules of the General Land Office will not authorize or permit to be filed in said Land Office, then and in that event, the said Commissioner may, for the purpose of executing the assignment or transfer herein provided for admit the owner to be such person, as the person, firm or corporation or the Federal Farm Loan Bank paying the indebtedness shall admit to be the owner, and upon such admission the instrument of transfer shall be executed; provided further, that nothing herein shall be construed to change in any particular whatever, the law or rules that obtain in the General Land Office relative to titles to land and the issuance of patents thereon.

Sec. 2a. Provided that no transfer of the State's Lien or debt be made until the land, which is security for said lien or debt has been occupied for the full period of time, and in the manner as provided by law.

Sec. 3. Any person, firm or corporation or the Federal Farm Loan Bank that shall pay to the State the balance due upon any land included in this Act at the request of the owner as provided herein, shall be subrogated to all the rights, liens and remedies held by the State to secure and enforce the payment of the amount of principal and interest so paid to the State.

Approved October 16, 1917.

September 3, 1917: S. J. pp. 15-16, 17-18, 26-27

Articles of impeachment from the House [Thirty-fifth Legislature, Second Called Session, H. J. p. 81-82] reprinted in S. J.

#### **Answer of Governor James E. Ferguson**

##### **I**

This respondent demurs to the Articles of Impeachment herein presented to the Senate against him, and to each and every article thereof and says that they constitute no legal or sufficient presentation of impeachment against him for the reason that the same have been presented to the Senate by the House of Representatives at a special session of the Legislature, and that no allegation is made that the subject of impeachment was submitted to either branch of the Legislature by the Governor, and that the said House of Representatives possessed no legal right to consider the subject of impeachment of this respondent under the Constitution and laws of the State of Texas, unless and except such subject was submitted to the Legislature by the Governor in his call of such special session or thereafter by appropriate message to such Legislature; and

this respondent says that there was no submission to the Legislature by the Governor of the State of Texas of the subject of impeachment of which failure this Honorable Court will take judicial cognizance, and of this respondent prays the judgment of this Honorable Court.

. . . . .

### III

This respondent further specially demurs to Articles 14, 15, 16 and 17 presented to this Honorable Court, and says the same do not constitute a high crime or misdemeanor, a violation of this respondent's oath, a violation of the Constitution of the State of Texas or official misconduct in that on the face of the allegations in said articles it was at most and only an exercise of official discretion vested in him by the Constitution of the State of Texas, and of this respondent prays the judgment of this Honorable Court.

### IV

This respondent further specially demurs to Article 17, and says the same is insufficient and alleges no ground for impeachment, no violation of any official duty of this respondent, of the Constitution of the State of Texas, of his oath of office, in that the same at most alleges the doing of that which under the laws and Constitution of the State of Texas this respondent had a right to do; and such acts under the laws of the State of Texas not being subject to review, and there being no requirement to state the causes by which said removals, if any, were made, could not be the basis of impeachment proceedings by the Legislature of the State of Texas or this Honorable Court, and of this respondent prays the judgment of this Honorable Court.

For answer herein this respondent denies all and singular the allegations and statements in each and all of the articles herein filed, except as hereinafter set forth and explained.

JAMES E. FERGUSON,

Respondent.

R. L. HENRY,

CLARENCE MARTIN,

B. Y. CUMMINGS,

W. A. HANGER,

Attorneys for Respondent.

. . . . .

### XV

For answer to Article 15, this respondent says that it is true that he vetoed the appropriation therein mentioned, but that he did

so in the exercise of that discretion which is vested in him by the Constitution of this State. That he did not seek to set aside any provision of the Constitution, particularly that portion mentioned in said Article Number 45, or to set aside the express will and judgment of the people of Texas. All of which this respondent stands ready to verify.

## XVI

For answer to Article 16, this respondent denies that he ever, at any time, sought to assert any autocratic will or power of his, and denies that he ever sought or attempted to do anything save and except that which he deemed and considered to the best interest of the University of Texas and its conduct. That the position and duty of this respondent with reference to the management of the University has always been and is now that it should be managed and controlled by the Board of Regents, who by the Constitution of the State is vested with that power; and while he has at various times and places discussed with the Board of Regents, as he believed then and now believes he had a right to do and was his duty the matters of policy to be pursued in the management of the State University, that he has never gone further than that of earnest persuasion. All of which this respondent stands ready to verify.

## XVII

For answer to Article 17 this respondent denies that he has sought to remove members of the Board of Regents without cause, that he has demanded the resignation of others without reason or that he has sought to dictate to them how they should cast their votes with reference to matters arising before them. For answer to said Article 17 this respondent adopts and here refers to his answer to Article 16, declaring that this respondent's sole purpose and motive was and is as has been expressed by him in his answer to Article 16. All of which this respondent stands ready to verify.

## XVIII

For answer to Article 18 this respondent says that in investigating the affairs of the University of Texas, which was a duty imposed upon him by the Constitution of the State of Texas, he found that certain employes and members of the faculty of the University of Texas had used certain mileage books, paying therefor the sum of \$25 per thousand miles and charged the State of Texas the sum of \$30 for the same, thereby illegally obtaining from the State \$5 on every thousand miles traveled. That a certain member of the faculty, drawing a large annual salary from the State, and under contract to give the State his entire time and talent, was engaged



in charging people at other points in the State for services rendered which constituted a part of his duties as a professor of the University of Texas and as a member of the faculty of the same. That a certain other member of the faculty was as this respondent is informed engaged in the sale of books which the students were required to buy at exorbitant prices. That this respondent believed then and now that it was his duty to call these matters to the attention of the Board of Regents of the University and to the people of Texas. That this respondent in calling attention to such matters and other matters of mismanagement and misconduct of the Regents of the University of Texas and the people of Texas acquainted them with the facts as they had been conveyed to him and as he believed them to be true, but that this respondent never at any time accused the faculty of the University as a whole, but only those members who had been guilty as he believed of misconduct and of such conduct as unfitted them to be teachers of the youth of the State in its University. That instead of charging the entire membership in said faculty, as is indicated in said article, this respondent never made any complaint at any member of such faculty exceeding six, whereas there are instructors and professors to the number of about three hundred in said entire faculty. That as a matter of fact this respondent never filed any charges against any member of the faculty, but, though being requested, he declined to do so, and simply laid before the Board of Regents upon their unanimous request the information which had been handed to him by the University authorities. All of which this respondent stands ready to verify.

### XIX

For answer to Article 19, this respondent denies that he has sought to use the power of his office to control members of the Board of Regents, and denies that the remission of the forfeiture therein mentioned was in any way connected with any official or other act of the Chairman of the Board of Regents, but that the same was done in the exercise of a power vested in this respondent by the Constitution of this State, and in the belief that under all the facts and circumstances he was acting for the best interest of the State of Texas and its people. All of which this respondent stands ready to verify.

[The votes in the Senate on the Articles of Impeachment were as follows: Article XV, yeas 6, nays 24; Article XVI, yeas 22, nays 9; Article XVII, yeas 22, nays 8; Articles XVIII, yeas 9, nays 20; Article XIX, yeas 21, nays 10. S. J. pp. 897-904.]

[The articles themselves are again reprinted in the Report of the Special Committee on Civil Jurisprudence of the Senate in S. J., pp. 941-942, and in the Report of the House Board of Managers, H. J., pp. 224-226.]

[In voting on these articles, three main views seem to have existed in the Senate: that the conduct of Governor Ferguson in relation to the Uni-

versity was (a) both impeachable and improper; (b) not impeachable but improper; (c) neither impeachable nor improper.]

[Two of the four lawyers who were counsel for the defense, one of the three who were counsel for plaintiffs, were ex-students.]

# **THIRTY-FIFTH LEGISLATURE, FOURTH CALLED SESSION, FEBRUARY 26, 1918, TO MARCH 27, 1918**

## **PROCEEDINGS IN THE LEGISLATURE**

H. B. No. 99—By Mr. Mendell.

To pay miscellaneous claims against the State.

Became a law. H. J. p. 608; S. J. p. 573.

H. B. No. 128—By Messrs. Fly, et al.

To require teachers in public schools to conduct work in the English language exclusively.

Became a law. H. J. p. 610; S. J. p. 575.

[In the passage of this law the University was referred to in debate only incidentally.]

S. C. R. 12—By Messrs. Henderson and Collins.

To extend the use of Camp Mabry to the University for the School of Military Aeronautics.

Became a law. S. J. p. 566; H. J. p. 621.

S. C. R. 24—By Mr. Henderson, et al.

To thank Major George W. Littlefield for gift of a valuable library to the State University.

"Big hearted, generous, noble Texan, and gallant Confederate . . . has so generously donated to our beloved State institution the famous John W. Wrenn Library, consisting of more than 5,300 volumes at a cost of \$225,000, said to be one of the finest collections of Elizabethan literature in the world; . . . "

Adopted. S. J. p. 567.

H. S. R. 29—By Mr. Poage.

To discontinue teaching the German language.

. . . .  
In many of our high schools the hard earned money of our taxpayers is being used in the employment of high-salaried professors engaged in teaching German. In our University, \$15,000.00 is being expended annually for the teaching of German. This un-American and unpatriotic practice has already been discontinued in some of the other States. It is high time that *Kultur* of the kind that Germany teaches be cut out; therefore, be it

Resolved, That all of our public schools in the State of Texas and the University of Texas be requested to discontinue the teaching of German, and that the money now being used for that purpose be hereafter utilized in some manner that will be beneficial in winning the war.

Lost. H. J. pp. 86, 616, 631.

[Hon. J. A. Kemp was appointed to succeed Dr. S. J. Jones as regent, "office vacated by proclamation." S. J., pp. 98, 186.]

**Joint Report of Central Investigation Committee Appointed by the Senate and House of Representatives of the Thirty-fifth Legislature, March 11, 1918. H. J. pp. 231, 233-235, 237, 238.**

. . . . .  
Land Office  
. . . . .

6. We find that there are large bodies of University lands, situated in various counties in West Texas, which, under the management of the Regents of the University, is not permitted to be sold. No taxes, either State or county, can be collected from said lands while owned by the University. We, therefore, recommend, as a wise State policy, that these lands be placed under the Land Commissioner for sale, in the manner now prescribed for school lands, as the leases expire.

. . . . .  
University of Texas

The University of Texas is composed of the main university, located at Austin, the medical department, located at Galveston, and the State School of Mines, located at El Paso, and they are separately reported on, as follows:

Main University

The physical plant of the main university consists of forty acres of land in Austin, on which are nine brick buildings from one to five stories in height, and twelve frame buildings, all of which are inventoried at \$1,319,901.07. The campus is too small and more land will soon be needed.

The dormitory facilities accommodate eighty girls and 125 boys, and it is recommended that in any building program, the matter of dormitory facilities be given consideration.

The university endowment consists of 2,079,520 acres of land, bonds of the State amounting to \$625,000 and also land notes aggregating \$25,381.46. The university has also received donations of importance, to-wit: one, the conditional gift of 503 acres of land near the City of Austin, donated by Hon. George W. Brackenridge of San Antonio; another, the fund for Southern history, donated by Hon. George W. Littlefield of Austin, amounting to \$25,000; and various other donations aggregating approximately \$40,000.

The university received for the year ending August 31, 1917, from leases on lands and interest on land sales, \$187,598.56; interest

on bonds, \$21,586; students' fees and fines, etc., \$21,523.60, aggregating a total of \$230,780.16, which added to the legislative appropriation for the year gave a total of \$960,611.25.

The auditorium at the university has been condemned by the Fire Marshal, and the estimated cost of providing proper fire protection is \$28,000. If practicable, it is recommended that the auditorium be repaired, as it will probably be some years before a new building can be secured.

The investigation discloses that the custom prevailing in other universities, and formerly permitted to some extent in the University of Texas, of granting leave of absence on full pay or part pay, has been discontinued, as has also the policy formerly sanctioned of allowing members of the faculty to accept special compensation for lectures or addresses delivered to student groups or public audiences; and the committee has further strongly recommended the discontinuance of permission to members of the university faculty to accept employment.

The committee finds that formerly the university extension work embraced eight divisions, which have been reduced during the present year to five, and the recommendation has been made that the legitimate field for university extension activities lies in carrying the work conducted by the institution to the people in such popular form as its correspondence courses and otherwise.

It is recommended that the Constitution be so amended as to provide for the separation of the University of Texas and the Agricultural and Mechanical College and its branches, and that the university lands be sold and the proceeds divided so as to award to the university two-thirds thereof and to the Agricultural and Mechanical College one-third thereof, with the provision that the Prairie View Normal and Industrial College shall receive an equitable division of the one-third allotted to the Agricultural and Mechanical College.

This amendment should fix the separate identities of the university and its several branches, namely, the State School of Mines, the Medical College at Galveston, the Agricultural and Mechanical College, the Prairie View Normal and Industrial College, and also that of the College of Industrial Arts; defining the general character of work in each institution; and providing for the sale of the lands now belonging to the university permanent fund and the removal of the constitution inhibition against appropriations for buildings at the university and the Prairie View Normal and Industrial College.

It is further recommended:

1. That a plan be devised for inventorying State property at present value.
2. That the positions of business manager and auditor at the university be combined.



3. That no member of the faculty in future accept outside employment.

4. That graduate work be developed in the university.

5. That the law be amended so as to prescribe the mode of removal of members of the Board of Regents.

#### The Medical Department

This institution has an enrollment of 325 students. The plant consists of one college building, a university hall and six buildings comprising the hospital group. The cost of maintenance for the year ending August 31, 1916, was \$83,360.74. The institution is one of the most efficiently organized medical colleges in the country.

The John Sealy Hospital, which is operated by the City of Galveston, in connection with the medical college, consists of six buildings valued at \$706,000. The City of Galveston is under contract to maintain the John Sealy Hospital, but is unable on account of misfortune and high tax rates to contribute more than \$40,000 for this purpose, and as that is not enough by about \$25,000 to maintain the institution it is recommended that the State provide an annual appropriation of \$25,000 towards the maintenance of this institution.

A new fireproof laboratory and some additions to the nurses' home are badly needed, and the management of the college recommends the construction of an additional hospital building.

It is recommended that a dental department be established in connection with the college as soon as practicable after 1918.

It is also recommended by the faculty that a psychopathic ward be established, and the committee suggests the advisability of considering the construction of a building in connection with the Medical College to be used as a detention hospital for those declared mentally unsound.

#### State School of Mines

This institution is located in El Paso, the center of the greatest mining district of the Southwest, which is an exceptionally fine location for a school of this character. The plant of this institution consists of five buildings—the main building, the chemistry building, the dormitory, the power house and the mill—all fire-proof. The equipment is new, complete and up-to-date. The enrollment is eighty students, seventy of whom are from Texas.

The committee recommends that the act creating the school of mines be revised, clearly defining the institution as a department of the university, determining its general activities and expressly vesting the Board of Regents with full administrative control. The arrangement effected between the School of Mines and the City of El Paso by which a municipal college called the "College of the City

of El Paso" has been established, placing the institution in the junior college class and which imposes no additional expense upon the School of Mines, but brings it a student body likely to prove beneficial, is endorsed.

In the beginning of the present session the Board of Regents unlawfully raised the salaries of the president, teachers and other employes in the university, in the aggregate of about \$45,000, of which \$26,500 was to be paid out of the appropriation made by the Legislature for contingent expenses and salary adjustments, and about \$19,000 was to be paid out of the available funds of the university, which action was founded upon the recommendation of President Vinson.

It is recommended that all funds used to increase the salaries of the president, teachers and other employes in the University and its branches in excess of the maximum amounts stipulated in the appropriation bill for such salaries be returned to the State Treasury, and that the practice of paying such excess amounts be immediately discontinued.

#### Duplication of Work in Our Educational Institutions

While there is much talk of duplication of work in our educational institutions, there, in fact, exists very little unnecessary duplication, for it is not believed that duplication in general subjects is unnecessary duplication, but only in case where two institutions major on the same subject is duplication regarded as unnecessary.

This condition might be thought by some to exist in the engineering department of the University and the Agricultural and Mechanical College, as each institution has a fully equipped engineering department; but taking into consideration the size of the State, such duplication is not regarded as objectionable. There has been some duplication in agricultural extension work between the extension department of the Agricultural and Mechanical College and the State Department of Agriculture. It is believed and recommended that the service of an administrative character should in all instances be conducted by the executive branch of the State Government to which it naturally belongs, and that the work of an educational character should be conducted by the educational institutions to which it properly belongs.

All agricultural service of an administrative character should be conducted by the State Department of Agriculture, while all agricultural extension work of an educational character should be conducted under the extension department of the Agricultural and Mechanical College and the extension department of the College of Industrial Arts, and the State Department of Agriculture should in no sense do work of an educational character.

Under the provisions of the Smith-Hughes Act of Congress, making available certain funds for the three classes of extension work embraced in agricultural, home economics and vocational trades, the funds available should be assigned for agriculture to the use of that institution which teaches agriculture as a vocation and is recognized agency of the State for agricultural extension and instruction in rural economics; and that part of the fund available for the promotion of the study of home economics should be spent by and under the direction of the College of Industrial Arts.

#### Department of Education

The division of high schools has charge of the establishment, classification and affiliation of high schools. The work of affiliating high schools was formerly done by the University, but it being an administrative function, has, we think, wisely been transferred to the State Department of Education, to be conducted in accordance with the recommendations of a Committee composed of a representative from the Department of Education, the University of Texas, and the Agricultural and Mechanical College, the College of Industrial Arts, and one representative from the State Normal Schools to be chosen by the heads of the Normal Colleges. . . . .

[Subcommittee No. 9 of the Central Committee investigated the State educational institutions with the exception of the Normals. It consisted of Senator I. E. Clark of Schulenberg and Representatives Leonard Tillotson of Sealy and Oscar Davis of Anderson.]

#### GENERAL LAWS

##### H. B. 99; Ch. 86, pp. 184-186

An Act making appropriations to pay miscellaneous claims against the State, authorizing the payment of said miscellaneous items on taking effect of this Act, making additional appropriations for the support of the State government, for the fiscal year ending August 31, 1918, and August 31, 1919; and declaring an emergency.

For the support and maintenance of a Camp of Instruction in Austin during the summer of 1918 under General Luther Hare, for the instruction of students of the University in the Officers Reserve Corps..... \$20,000.00

##### S. C. R. 12; pp. 209-210

Whereas, It has come to the knowledge of the Texas Legislature that the Federal Government has called upon the University of Texas to assist in training mechanics for the Army; and

Whereas, The buildings at present occupied by the ground school of Military Aeronautics will accomodate a large number of these mechanics; and

Whereas, This makes it necessary for the University to provide an additional place for the accomodation of the ground school of Military Aeronautics, involving an expenditure of approximately \$250,000.00:

Now, therefore, Be it Resolved by the Senate, the House of Representatives concurring, first: That the use of Camp Mabry be extended to the Board of Regents of the University of Texas for the School of Military Aeronautics; and, second: That it is the sense of this Legislature that in the event the war should close before the earnings of the School of Military Aeronautics shall reimburse the Board of Regents of the University of Texas for the expenditures incurred, the State of Texas should be responsible for such balance in the building account as may remain unpaid at that time, it being understood that in the event these buildings are completely paid for before the close of the war, they shall become the property of the State for the use of the National Guard or for any other purpose which may seem wise.

Filed in the office of Secretary of State, April 3, 1918, without approval.



**REPORTS OF THE ATTORNEY GENERALS OF TEXAS**

**Report for 1870 of William Alexander, p. 5**

**The Agricultural and Mechanical Grant**

The special report made by request to your Excellency on November 1, 1870, furnished such an abstract as was deemed necessary of the leading provisions of the Acts of the Congress of the United States, under which the State of Texas can obtain land warrants to the amount of 180,000 acres for the maintenance of an agricultural and mechanical college. The subject is now only referred to in order to call attention to the fact that a little delay on the part of the Legislature will cause this munificent grant to be lost. Should an appropriation of money or bonds be made, sufficient in amount to enable the University of Texas, a corporation already organized and well endowed with lands, but in no condition to do anything for want of funds, to commence operations within the present year, with the agricultural and mechanical college as one of its component parts—for, like all universities, it must necessarily be made up of an aggregation of colleges—the proceeds of these land warrants which your Excellency has taken the steps to obtain, may be secured.

**Report for 1876, 1877, 1878, of H. H. Boone, pp. 6-7**

**Miscellaneous Business**

**2. University lands in McLennan and Hill Counties.**

By estimate of the General Land Office, there are about fourteen thousand, two hundred and twenty-five acres of these lands in conflict with the Joachin Moreno eleven league grant. Suits were brought in the Federal Court at Austin in 1873, against defendants in possession and persons who claimed adversely to those claiming under the grant. On the sixth of March, 1875, an act was passed, entitled "An Act supplemental to and amendatory of the several acts authorizing the sale or disposition of the University lands in the State of Texas. In this act it was provided that the settlers on any of the University lands lying within the counties of McLennan and Hill, and conflicting with the grant in the name of Joachin Moreno, shall not be compelled to pay the amounts due on said land until the suit pending in behalf of said grant shall have been decided and title to said land settled. Application was made to me by the attorneys representing the defendants in the suits pending to intervene on the part of the State, or to take part in the litiga-

tion in behalf of the State. Upon investigation of the matter I do not think I would be consulting the interests of the State, even if my authority to do so had been unquestionable, to make the State a party to the suits, and therefore declined so to do. The suits have resulted in favor of the plaintiffs. As the State was not a party to the suits, she is not bound by the judgments that have been rendered, and is not estopped from setting up her claim to the University lands embraced in the conflict. It rests with the Legislature of the State to make provision for testing the title to this land, if, upon investigation, it be thought advisable, or otherwise to restore to the settlers on these lands who have purchased from the State any money they may have paid the State, and to release them from all obligation for future payments. The records of the General Land Office and of the State Treasury Office will show who those settlers are, and what amounts of money have been paid by them.

Report for 1880, of George McCormick, p. 11

#### MISCELLANEOUS BUSINESS

2. The matters growing out of the controversy over the University lands in McLennan county have also had my attention. I visited Waco, and, after consultation with many settlers, adopted a plan, so far as they are concerned, which I deem alike fair to them and honorable to the State. The adverse claim of those claiming the supposed Moreno eleven league grant—which grant (if grant it may be called) conflicts with these lands—should be resisted, and will be so far as I am able. The opinion given, advising the course to be pursued towards the settlers, is on record in this office, and its contents need not be further noticed here.

Report for 1882, of J. H. McLeary, p. 21

#### UNIVERSITY LAND CASES

The cases Nos. 3501, *The State v. Jennie Lewis*, and 3502, *The State v. John Barrett*, at my last report pending in the District Court of McLennan county, brought in accordance with joint resolution of February 19, 1879, to remove cloud from title and to establish the same in the State to the University lands in McLennan and Hill Counties, were removed by defendants into the United States Circuit Court at Waco, Texas.

These suits are in charge of Messrs Clark & Dyer, and have been most ably conducted under contract by them.

Report for 1884, of J. D. Templeton. p. 7

### UNITED STATES COURTS

In the Circuit Court at Waco, the University lands cases are still pending.

[Further information regarding the progress of these cases is to be found in the Second Biennial Report of the Board of Regents, 1886, pp. 55-56; Third Report, 1888, pp. 5, 6, 7; Fourth Report, 1889, pp. 6-7: "The disputed titles in McLennan county . . . have been cleared by compromise, the University gaining one-half (about 7000 acres) of the land in controversy."]

### OPINIONS OF THE ATTORNEY GENERALS

[When an opinion is to be found printed in the Official Report of an Attorney General, reference is made to the Report. When the opinion has not been printed officially, reference is made to the manuscript volumes of Opinions in the Office of the Attorney General.]

#### University Location Election—Form of Ticket, July 12, 1881; Vol. 10, pp. 226-227

J. H. McLeary, to W. L. Prather, Chairman [Waco] Citizen's Committee.

" . . . a proper form of ticket would seem to be, 'For severance of the Medical Department' and on the same ticket the name of the place to be voted on. I do not know whether the election proclamation will direct the question of severance to be voted for on a separate ballot but presume it will not. As the Governor and Secretary of State have the matter in charge, I suggest that you confer with them . . . ."

#### University Location Election—Proper Form of Ballot. Aug. 19, 1881; Vol. 10, pp. 298-308

J. H. McLeary to Eugene Bremond, Vice-President [Austin] Citizen's Committee.

" . . . all votes cast must be cast with a view to two contingencies, the one that severance . . . is carried, and the other that such severance is defeated . . . . Returns should be made as follows: 1. — votes for severance; 2. — votes against severance; 3. — received — votes for location of entire University; 4. —received — votes for the location of the Main University; 5. —received — votes for the location of the Medical Department. . . . But it is urged that these views do not conform to the proclamation heretofore issued by the

Governor. The law, not the proclamation, has been considered in this discussion. . . . On a conference with . . . the Governor and the . . . Secretary of State we are unable to agree . . . and it was thought best that each should answer your letter separately.

[Note. The Ballot was actually reported by the Secretary of State and Governor as follows:

For Austin for Main University.....	16,306 votes
For Austin for Entire University.....	14,607 votes
<hr/>	
Total for Austin.....	30,913 votes

The corresponding figures for Tyler were 18,420; 554; 18,974; for Waco, 2,632; 7,167; 9,799. The total remaining scattered vote was less than 7,000. For Galveston for the location of the Medical Department 29,741 votes; Houston 12,586; Austin, 994; scattering, 350. See Pre-numbered Bulletin [1], pp., 1, 2.]

**McLennan County Land Suit Compromised. June 17, 1889; Vol. 12, p. 542**

J. S. Hogg to Chairman Leslie Waggener.

"Information has reached this Department . . . that the suit involving title to university lands in McLennan County has been compromised. Judge Clark of Waco can notify you as to the particulars.

" . . . suit is both necessary and proper for the collection of interest due the University on land sales.

" . . . no action has been taken by . . . this Department to recover the San Elizario grant in El Paso County for reasons that will doubtless be entirely satisfactory. . . ."

**Act of March 6, 1875, Suspends Payment on University Lands in Hill and McLennan Counties Only During Litigation of said Lands. December 9, 1889, Vol. 13, p. 68**

J. S. Hogg to Land Commissioner R. M. Hall.

" . . . It was not the purpose of the Act of March 6, 1875, to suspend the sale of said lands in Hill and McLennan Counties, nor to suspend payment upon said sales. The only purpose of said act . . . was to suspend during the pendency of said litigation, the right of the State to compel and enforce payments upon sales . . . sales made to settlers after it, Act of March 6, 1875, became a law and before the termination of said litigation were legal and valid, notwithstanding the settler



at the time did not send in the first payment as required in the Act of 1874 . . . . Settlers upon payment of the amounts . . . . for which the lands were sold, with interest . . . . will be entitled to a patent . . . . Those settlers who have tendered payments and had them refused will not be liable for any interest on the amount tendered since the date of the tender."

**Regents May Expend Tuition Fees as They May Elect. September 6, 1893; Vol. 15, pp. 20-21**

C. A. Culberson, by M. Trice, to Comptroller Jno. D. McCall.

" . . . . the appropriation for the Medical Branch of the University passed by the 23rd Legislature [Laws, 23d Legislature, p. 145] [includes] tuition fees [as] a supplemental appropriation [which] may be used and expended for the support of the Medical Branch in such manner as the Board of Regents may elect."

**Matriculation Fees May Be Used to Increase Salaries. January 18, 1894. Report for 1893-1894, p. 90**

C. A. Culberson to Comptroller Jno. D. McCall.

Dear Sir: Your letter of the 17th is received, in which you inquire: "The Board of Regents of the University desire to use the amount of matriculation fees for paying salaries, over and above those enumerated on page 146, General Laws, 1893, under the head of Medical Branch of University, and also to change the salary of the provost from \$1200 as fixed by the appropriation, to \$1500, as additional duties have been imposed upon him, paying the additional amount of \$300 out of the matriculation fund.

"Your opinion is respectfully desired as to whether this department can pay these salaries."

The objection urged to the proposed action of the Board of Regents, it seems, rests upon the suggestion that the salaries of the professors and others connected with Medical Branch of the University are fixed by the appropriation act of 1893 (pp. 145, 146), especially those of demonstrators of anatomy and physiology, provost and janitor, and that the Board of Regents may not exceed the salaries so fixed. If it be true that the salaries are thus fixed, the conclusion reached necessarily follows. But such is not believed to be the case. On September 30, 1893, you were advised in answer to an inquiry that the "Legislature appropriated out of the general revenue the specific sum named for the maintenance and support of the Medical Branch, and in addition appropriated the tuition fees the students of said University might pay in." A careful re-examina-

tion of the question convinces us that this is the proper construction of the act, for the reasons given. The course proposed by the Board of Regents accords with this construction. If it be held that the specification of it in the act is tantamount to a limitation upon the amount the Regents are authorized to pay for the purposes respectively named, it will overthrow this interpretation, and lead logically to the conclusion that the sum to be used for the support and maintenance of the Medical Branch of the University is limited to the amount appropriated out of the general revenue. Obviously this would destroy that portion of the act appropriating the matriculation fees of students supplementary to that taken from the general revenue. It is a familiar rule that that construction should if possible be adopted which will give effect to every provision of a law. It seems to be admitted that this is the true meaning of the act with reference to all items except for the salaries of professors, demonstrators of anatomy and physiology, provost and janitor, it being insisted that no greater amount may be paid for the salaries of professors than \$21,800, and that the salaries of the others named are limited to the amounts specified. But there is nothing in the act which shows an intention to discriminate in these cases by fixing the salaries and leaving without limit amounts used for laboratories, school of pharmacy, etc., and unless such intention appears, such item must be held to be governed by the general object of the law. Considered in connection with the authority expressly conferred upon the Board of Regents, to fix the salaries of professors and other officers . . . . the Legislature by the act in question appropriated for the support and maintenance of the Medical Branch of the University (1) the matriculation fees of students, and (2) an aggregate sum out of the general revenue, the latter of which must be limited and used for the purpose specifically pointed out in the act. The authority being expressly given the Board of Regents by a general law to fix the salaries of Professors and other officers of the University, it would not be held to be revoked by an appropriation bill unless such purpose unmistakably appears.

**Comptroller Authorized to Issue Warrant to Dr. Dabney for Extra  
Work Done by Him Consequent Upon the Illness of  
Another Professor in the University. Feb.  
25, 1895; Vol. 15, p. 214**

M. M. Crane to Comptroller R. W. Finley.

"A communication from Stephen H. Darden, formerly Chief Clerk in your Department, has just been handed me. It bears date August 10, 1894, and came to this office long before I entered upon the discharge of the duties thereof. It is in substance as follows:

That your Department had Feb. 17 to June 15 paid on approved vouchers the salary of Dr. Dabney, one of the Professors of the University, for the period for which he had been employed; and that thereafter he sent in a claim for an additional sum for extra services performed on account of the illness of Professor Lefevre. He then propounds the question whether or not the extra compensation is not such as is prohibited by Art. 3, Sec. 44, of the Constitution. The Board of Regents inform me that the services for which the extra compensation is sought were not contemplated in the original conduct of his employment; that the compensation paid, of which the Chief Clerk writes, was for services rendered in compliance with his contract, but after the serious illness resulting in the death of Prof. Lefevre, Dr. Dabney performed other and additional services not contemplated in the contract, but which would have been discharged by Prof. Lefevre had he not been ill. For this extra work thus put on Dr. Dabney and indeed voluntarily assumed by him, he asks extra compensation.

"I do not think it is obnoxious to the article and section of the Constitution referred to; and you are respectfully advised that if the sum is in all other respects proper there is no constitutional prohibition against your paying it."

**Terms of A. and M. Directors are Limited to Two Years. January 30, 1897; Vol. 16, p. 68**

M. M. Crane to Governor Culberson.

" . . . so much of the statute as extends the official term of the Directors of the A. and M. College beyond two years is void because in conflict with the Constitutional limitation."

**Donations Do Not Necessarily Become an Integral Part of the Permanent Fund. May 11, 1896; Report for 1897-98; pp. 106-108**

M. M. Crane to Regents.

1. The donation, if accepted, will become a special fund for the use specified, and will not constitute a part of the general permanent University fund, as contemplated by our Constitution and laws.

The permanent fund is that fund appropriated and donated by the State or by others for the general support and maintenance of the University, the interest upon which, when reduced to cash, is subject to appropriation by the Legislature for the general support, maintenance and direction of the University.

This fund is donated by Mr. Bryan for a particular purpose, and the interest thereon is not subject to appropriation by the Legislature for any other purpose. It cannot go into and become a part of the general permanent fund, but must, under the terms of the donation, remain distinct therefrom for a particular specified use.

**An Instructor in the Medical Department is Not Entitled to Pay  
While in the United States Army in the Hispano-  
American War. May. 20, 1899; Vol.  
17, pp. 312-313**

T. S. Smith to Regents F. M. Spencer and Beauregard Bryan.

" . . . [An instructor in the Medical Department is not entitled to pay] "for a single day" [as an instructor for the time he served as Surgeon in the United States Army in the Hispano-American War, although part of the time he was in the army was during the time of his vacation as an instructor. Section 33 of Article 16 of the Constitution is conclusive] "not only against any officer, but against any person. Of course, this article says, 'Except as otherwise prescribed by this Constitution,' but I call your attention to the fact that it is not otherwise prescribed in this Constitution so far as this particular matter is concerned."—N. B. Morris, Office Assistant.

- I. The Constitution limits the term of office of all officers not otherwise provided in the Constitution to two years.
- II. The reasoning in and the opinion of our Supreme Court in the case of Kimbrough vs. Barnett applied to the laws fixing the term of office of the Board of Regents of the University and the Board of Directors of the Agricultural and Mechanical College for a longer period than two years; and such legislation fixing the term of office of said officers at longer periods than two years is unconstitutional.
- III. Such officers, however, are de facto officers and their acts are valid and cannot be collaterally attacked or questioned. February 6, 1906; Report for 1899-1900, pp. 102-105.

T. S. Smith to Governor J. D. Sayers.

References:

Kimbrough v. Barnett: Supreme Court.

93 Tex. 309.

55 S. W. 120—.

Col. 8656.

Position of trustee of independent school district is within definition of "office" whether there is salary attached or not.



Green: Complete Texas Digest.  
Col 10039.

Act of March 30, 1899, so far as it relates to election of trustees in independent school district and fixes term of office, is void, as conflicting with constitutional limitation of term to two years.

**Regents Have Authority to Purchase Additional Grounds. July 6, 1901; Record III, p. 281**

C. K. Bell to T. S. Henderson, Chairman of the Board of Regents.

I am in receipt of a communication from yourself bearing date July 1, 1901, in which you ask for . . . the official opinion of the Attorney General . . . as to whether the Board of Regents of the . . . University . . . have authority to acquire by purchase additional land for University purposes—as, for instance, the purchase of additional grounds on which to erect a gymnasium, and establish an athletic field for practice and instruction in physical culture for the students of the University,—and in reply I beg leave to answer:

Article 3843 of the Revised Statutes provides that the government of the University shall be vested in a board of eight Regents, and Article 3846 provides that they (the Regents) shall establish the departments of a first-class University, etc.

Undoubtedly this provision of the law authorizes the Board of Regents to take such steps and make such purchases as may be necessary to establish the department of a first-class University; and the question as to whether or not a gymnasium and an athletic field is necessary department of a first-class University, is entirely a question for the determination of the Regents. Their determination in the matter is not subject to be reviewed by any other body.

I therefore give it as the official opinion of the Attorney General's Department that the Board of Regents would have the power and authority to make the purchase inquired about.

**Mineral Survey Information May Not be Divulged Except in Annual Report. January 6, 1902; Vol. 19, pp. 44-47**

C. K. Bell to President W. L. Prather for Director W. B. Phillips of the Mineral Survey.

[The following questions having been asked by Director Phillips concerning Section 3 of H. B. 135, p., 32 of the General Laws of the 27th Legislature: 1. Can information gathered by the Survey be used in public lectures or 2. Communicated to scientific or popular journals, magazines and papers?]

The opinion is expressed that it is not permissible for persons

connected with the Survey to use the information gathered by the Survey prior to its annual publication for free distribution among the people of the State [even in giving instruction to students in University classes] provided the information was obtained by a survey of the public school, University, asylum or State lands. [Information obtained in any other way may be used at any time.]

**Unless there is a Deficiency, in the Revenue, a State Bond May Not be Issued to Provide an Investment for the Permanent**

**University Fund. February 14, 1902, Vol.**

**19, pp. 84-85. Also Tenth Biennial**

**Report of Regents, p. 165**

C. K. Bell to Governor J. D. Sayers.

If, however, it was the intention of the law-makers to provide a method of investing the permanent University fund by creating a State debt for that purpose in the absence of a deficiency in the revenue, their action would be in violation of Sec. 49 of Art. III of the Constitution already quoted.

**Board of Regents clothed with authority to make necessary repairs to auditorium roof, the same to be paid out of the appropriation for maintenance of institution. Intention of Legislature to give broad discretion to board of regents. Not applicable to other State institutions having no available fund. November 11, 1905, Report of 1906-08. pp. 253-258.**

R. V. Davidson to Comptroller John W. Stephens.

**A City Attorney is Eligible to Appointment as a Regent. December 4, 1905; Vol. 20, pp. 387-389**

R. V. Davidson to Governor S. W. T. Lanham.

" . . . . A person holding the office of city attorney of a city incorporated under a special charter is eligible to appointment as a member of the Board of Regents of the University of Texas . . . . there is no prohibition, constitutional or statutory, against such an appointment.

Section 40 of Article 16 of the Constitution is: "No person shall hold or exercise at the same time, more than one civil office of emolument, except that of justice of the peace, county commissioner, notary public, and postmaster, unless otherwise specially provided herein."

. . . . Under Article 3844 of the Revised Statutes . . . . Regents hold their offices for eight years and . . . . if this

is a "civil office" . . . . the term thereof conflicts with Section 3 of Article 16. . . . Waiving this point . . . . and assuming that . . . . Regents are public officers . . . . they are not civil officers of emolument.

[Cites Article 3856 of the Revised Statutes, 10 American and Eng. Cyc. of Law 1204. Throop on Public Offices, p., 428, Sec. 441.] "I am of the opinion that the question is free from doubt."—R. V. Davidson.

**Appropriation Bill Considered in Connection with Anti-nepotism Bill. Faculty of University Not Affected by Act. September 19, 1907; Report of 1906-08, pp. 600-602**

R. V. Davidson to President D. F. Houston.

**Directors of the A. and M. are Officers. February 14, 1908; Vol. 22, p. 121**

R. V. Davidson to Director W. P. Sebastian of A. and M.

[W. P. Sebastian writes] "I am one of the Directors of the A. and M. College, and I desire to know whether or not, by reason thereof, I am disqualified to act as a member of the State Executive Committee." [The Attorney General replies]: "You are an officer of the State and therefore disqualified under the provisions of Section 60 of the Terrell Election Law. Said section provides that no one who holds an office of profit or trust under this State . . . . shall act as Chairman or as a member of an Executive Committee. . . . Directors of the A. and M. College are officers within the meaning of the . . . . Terrell Election Law. . . ." [The case of Hendricks vs. the State, 20 Texas Civil Appeals, 179, is cited.]

**A bill levying a tax of 2.70 cents on the \$100 of taxable values for the support and maintenance of the University and 1.70 cents for the A. & M. would be constitutional. February 9, 1911; Vol. 24, pp. 170-179.**

Jewell P. Lightfoot, by James D. Walthall, to Representative T. D. Rowell.

"1st. The bill would not in any way conflict with the Constitution. Direct authority is conferred upon the Legislature by the Constitution to levy just such a tax."

"2nd. . . . it is equally clear that the bill, if enacted, would not affect the free school tax . . . . The only consti-

tutional provisions which could have any bearing . . . . are Section 48 of Article 3, . . . . Section 3 of Article 7 and Section 9 of Article 8." [Section 3 provides that the school tax shall not exceed 20 cents, Section 9 that the State tax "exclusive of the tax necessary to pay the public debt and the taxes provided for the benefit of public free schools, shall never exceed 35 cents."]

"Section 3 of Article 7, which contains the limitation of 20 cents . . . . deals exclusively with the tax for the benefit of the public free schools and has no application to the tax for the benefit of the University and A. and M. College." It is true . . . . the legislature is given authority . . . . [by Section 48 of Article 3] to levy taxes for the support of public schools ["in which shall be included colleges and universities established by the State; and the maintenance of the A. and M. College of Texas"] "but coupling these three subjects together in this manner does not make the limitation of 20 cents . . . . for public free school purposes . . . . applicable to the University and A. and M. College" [Section 48 of Article 3 means] that the Legislature, in addition to the power to levy taxes for the support of the public schools shall also have the power to levy a tax for the benefit of the University and A. and M. College . . . . "There is another provision [in Section 3 of Article 7] which makes it clear that it has no application to the University and A. and M. College . . . . Would any one suppose that the framers of the Constitution were trying to provide in this section for a six months school term for the University and A. and M. College? Besides this . . . . there is set apart for the public free schools one fourth of . . . . the State occupation taxes and a poll tax of one dollar . . . . and no part of these funds has ever accrued to either the University or the A. and M. College. The whole history of public education in this State . . . . shows conclusively that the University and A. and M. College have never been regarded as a part of the public free schools. . . . Article 7 of the Constitution deals with . . . . Public Education. Sections 2 to 8 cover . . . . public free schools; Sections 10 to 15 apply to the University and A. and M. College. . . . The same policy has been carried out in the Statutes. The Legislature has always dealt separately with these subjects . . . . the legislature directed that the fund derived from the tax of 20 cents . . . . shall be apportioned . . . . to the several counties . . . . according to the scholastic population of each. This demonstrates conclusively that the Legislature never thought that any part of these taxes should be given to the University or to the A. and M. College and no part of it ever has been so devoted. This legislative construction of the Constitution



is . . . . entitled to great weight. . . . The limitation upon the taxes for the benefit of the University and A. and M. College is found in Section 9 of Article 8 of the Constitution and this tax cannot, together with all other State taxes, exclusive of the tax necessary to pay the public debt and the taxes provided for the public free schools, exceed 35 cents on the one hundred dollars valuation.

**A Public Officer in this State Can Not at the Same Time Hold a Position of One of the Professors in the University of Texas. This Opinion Holds that Hon. Will H. Mayes While Lieut. Governor of Texas Can Not Accept the Position of Professor of Journalism in the University. (Sec. 40, Sec. 16 of Art. 16 of Constitution.) September 22, 1913; Report for 1912-14, pp. 873-882.**

B. F. Looney to Board of Regents of the University of Texas:

**Article 2723 of the Revised Statutes requiring the Comptroller to set aside annually from the proceeds of the permanent fund of the State University the sum of \$6,000 for use of the Prairie View State Normal is ineffective and the Comptroller will not be authorized to follow same. November 21, 1913; Vol. 33, pp. 254-258.**

B. F. Looney to Hon. E. B. Cushing, President Board of Directors of A. and M. College.

Section 4 of the act of April 19, A. D. 1879, provided for the organization and support of a normal school at Prairie View (formerly called Alta Vista) in Waller County for the preparation and training of colored teachers.

We are not advised as to whether this school was organized and commenced operation during the year 1879, but if it was, the funds expended during the years 1879 and 1880 were expended under the provisions of that bill. It will be noted that this article provided that the comptroller can set apart out of the interest accruing from the university fund appropriated for the support of public free school. Paragraph two of section 11 article 7 of the constitution of this State dealing with the revenue arising from the permanent funds of the university [provides] . . . . that before the interest accruing upon the permanent university fund can be used it must be made available by an appropriation of the legislature.

We are of the opinion that this act establishing the Prairie View

Normal in providing for the setting aside of \$6,000 of the University fund, was to that extent an appropriation of such an amount for the use of that institution and being perpetual or unlimited appropriation in so far as time is concerned, could be held valid for only two years.

Our intepretation of this act is borne out by the legislative construction placed thereon by the various legislatures subsequent to the 16th legislature, which enacted the law under discussion, and will trace the appropriations made for the support of the Prairie View Normal through various years since its institution.

For the years ending 1880 and 1881 no appropriation was made other than in the act as above quoted.

For the years ending 1882 and 1883 there was appropriated out of the university fund \$6,000 for each year.

For the years ending 1884 and 1885 there was appropriated inclusive of the amount appropriated in the act of 1879, \$7,500.00 for each year.

For the years ending 1886 to 1893 there was appropriated various amounts out of the available public free school funds and other amounts out of the general revenue.

Beginning with the year ending 1894 and down to the present date there has been appropriated for the support of the Prairie View Normal various amounts, all of which are to be paid from the general revenue.

We think it clear from a careful consideration of all of the appropriation bills enacted by the various Legislatures since 1879 that it is manifestly the intention of the Legislators to treat this act as an appropriation and in that particular that it lapsed at the end of two years and each subsequent Legislature has made appropriations for the support of the institution, all of which bears out our contention that in so far as this act makes an appropriation for the support of the institution it lapsed at the end of two years, and there is no obligation upon the Comptroller, in fact he has no legal authority to set aside from the university fund \$6,000 or any other amount to be expended by the Prairie View Normal.

Again, during the early period of the existence of Prairie View Normal appropriation bills making available the interest from the university funds excepted therefrom all other appropriations made to be deducted from these funds, but the subsequent appropriations made from the Prairie View Normal making no mention that such appropriations were to be taken from the university funds made it unnecessary that in the appropriation for the university such exception should be made, and therefore when the Legislatures in later years have made the appropriation of the available fund for

the university they have excepted none of such fund, and the entire amount has been appropriated for the use of the university, and this is another reason in support of our proposition that the Comptroller would be without authority to deduct from the university any portion of this fund and apply same to the support of the Prairie View Normal.

**The Provision in the Appropriation Bill of the 33rd Legislature Making an Appropriation of the Available University Funds Which Directs that Maintenance, Support and Direction of the University Shall Include Repairs, Extensions, Improvements and Buildings, Would Preclude the Payment for Repairs and Improvements Out of the Appropriation of \$658,300.00 from the General Revenue for the Maintenance, Support and Direction of the University, March 28, 1914; Vol. 36, pp. 150-155.**

B. F. Looney to President S. E. Mezes, University of Texas:

Had the words "including repairs, extensions, improvements and buildings" not been contained in the appropriation of the available fund, then there could be no contention made that expenditures for such purposes, other than for buildings which are forbidden by the Constitution to be made from the general revenue, could have been made from either of such appropriations, but the fact that the framers of this law saw fit to incorporate such purposes within the appropriation of the available funds is conclusive in our minds that it was the intention and purpose of the Legislature in the enactment of these two provisions that all expenditures of this character should be paid from the available fund and not from that appropriated from the general fund.

The suggestion made by you in your discussion that the words "repairs, extensions, improvements and buildings" are in a sense a definition of the words "maintenance, support and direction" could be applied to the identical words in the clause making an appropriation from the general revenue, is a forceful one, but reading the two provisions together we do not see our way clear to agree with you in this construction of the statute, for if such could be done it would in effect read into that provision of the appropriation from the general revenue that such appropriation was supplemental to the appropriation from the available fund, which under the peculiar reading of the act and from the further fact that appropriations for buildings are prohibited by the constitution, is clearly not the case.

Were any other construction to be put upon the language of this act than that placed thereon by us then the unlimited expenditure

from the appropriation from the general fund would be warranted in all of such matters other than for buildings, and to such an extent as to reduce the appropriation from the general fund to an amount which would be insufficient to pay the salaries of the necessary instructors of the schools, and thereby we think the constitutional mandate, as well as the manifest intention of the Legislature to maintain the University, would be defeated.

You state in your communication that you are under the impression that former administrations of this department have made rulings contrary to that expressed herein. I have made search of the opinions on file in this department but have failed to discover any opinion upon this subject, and the opinion mentioned by you to Dr. Houston under date of November 11, 1905, is not in point in this particular case except that the appropriation bill under discussion in that opinion contained the identical language used in the appropriation by the 33rd Legislature, to-wit: "For the maintenance, support and direction of the University of Texas including repairs, extensions, improvements and buildings." The expenditure in that case was for repairs on the roofs of the University buildings, which amount was sought to be liquidated by a warrant drawn against the available fund, and no attempt was made to have same paid out of the appropriation from the general revenue. The department held that the Board of Regents had authority to have the repairs made and that same should be paid from the available fund.

**The Proviso in Which is Included the Direction Made by the Legislature to the Board to Expend \$65,000 for the Erection of a Nurses' Home is a Limitation on the Otherwise General Discretion Given the Board of Regents and that the Board Would not be Authorized to Use the Funds in Excess of that Amount for the Purpose Named. March 30, 1914; Vol 36, pp. 160-163.**

B. F. Looney to Regent J. W. Graham:

The language of the Legislature, in making this appropriation, is as follows:

"For the maintenance, support and direction of the University of Texas, including the Medical Department at Galveston, including repairs, extensions, improvements and buildings for the years beginning September 1, 1913, and ending August 31, 1915; all the available University funds, including interest from its bonds, land notes, endowments and donations, all gifts and fees collected and all receipts whatsoever from any source.

"Provided, however, that the Board of Regents of the University of Texas shall set aside and appropriate out of the income from the



permanent University fund the sum of \$65,000.00, to be expended by said Board of Regents for the erection of a nurses' home in connection with the John Sealy Hospital at Galveston, Texas."

It is our opinion that the proviso, in which is included the direction made by the Legislature to the Board to expend \$65,000.00 for the erection of a nurse's home, is a limitation on the otherwise general discretion given the Board of Regents and that the Board would not be authorized to use the funds in excess of that amount for the purpose named.

Any other construction of this proviso would render it meaningless, because if it is not a limitation upon the authority of the Board with reference to the amount to be expended for a nurses' home, it serves no purpose, in this, under the terms of the preceding paragraph the Board was given the unlimited and uncontrolled power to expend the sum appropriated for the maintenance, support and direction of the University of Texas, which, but for the proviso, would authorize the Board to use the money for one or all the purposes stated within their discretion, hence, if in spite of the proviso they still have this authority, the proviso is without effect and meaningless.

The correctness of this construction is amply sustained by the decision of the Court of Civil Appeals in the case of the State vs. Haldeman, 163 S. W. 1020.

. . . . .

**Teacher Appointment Committee is Not a Private Employment  
Agency, and is Not Subject to Ch. 108 of the Acts of the  
Thirty-fourth Legislature, Regular Session. July  
16, 1915; Vol. 45, pp. 253-256**

B. F. Looney to Acting President W. J. Battle.

. . . . .

The University of Texas is essentially a part of the State Government and its every activity is of a public nature, is governmental and is in no sense of a private or personal nature. This particular department of the University work, that is, the creation of a committee to act as intermediary between students of the University and the various school authorities desiring competent teachers, seems to have evolved from the very necessities and proprieties of the situation, and was evidently in response to a demand for the extension to the general public of the benefits of University education beyond the mere acquisition of knowledge on the part of its students.

The Thirty-fourth Legislature, in its appropriation for the support and maintenance of the University, recognized the benefits

of the work of this Committee and its public nature by making a special appropriation for its support as a part of the general appropriation for the support and maintenance of the University. I find the following item among the items for current expenses for the Main University: \$900.00 for each of the two years 1916-1917, for "Committee on Teachers."

The situation may be simplified by stating that the State of Texas, through its Teachers' Appointment Committee, undertakes, under the terms of its operation, to bring those students who desire to teach in touch with school authorities who desire the services of teachers. This work is public. It is governmental in its nature, and not for private profit. It is limited in its scope, in that its work is confined to the giving of aid to students of the University, and is in no sense an agency serving the general public.

It will be seen that the Act applies to persons, firms and corporations who operate a private employment agency for hire. A private employment agency comprehended by this Act is one for private profit, serving, generally, persons in whatever avenue or activity of life, who may seek employment and can have no application whatever to an arm of the State Government such as the Teachers' Appointment Committee of the University.

It will be seen further that a license fee of \$25.00 per annum is required to be paid and a license is required to be issued as authority for any person, firm or corporation to pursue the business of a private employment agency.

If the Teachers' Appointment Committee of the University is compelled to pay this license fee, we have the rather absurd procedure of the State appropriating money to this Committee to be paid to the Commissioner of Labor Statistics for a license to be authorized to act at all, and the money in turn to be paid by the Commissioner of Labor Statistics back into the Treasury. Certainty, such useless and needless circumlocution was never contemplated.

**The Regents Have Power to Make Changes Within the Total of the Appropriation Bill. July 26, 1915; Letter Book, 186, p. 877**

B. F. Looney to Acting President W. J. Battle.

[In reply to your letter which reads as follows]:

"I beg to ask your interpretation of the following proviso in the University appropriation bill for the next biennium:

"For the maintenance, support, and direction of the University of Texas, including the Medical Department at Galveston, for the two years beginning September 1, 1915, and ending August 31, 1917, from the general revenue, with such changes and substitutions within the total of the following items for the University as the Regents may find necessary."

"The Board of Regents have understood that this proviso confers the power to make changes and substitutions within the limits of the total yearly appropriation of \$711,682.16. Is this view correct? I submit that it is, for the following reasons:

"(1) The intent of the proviso is undoubtedly to give the Board the power to use the appropriation as they deem most to the advantage of the University. To limit the permission to make changes and substitutions to subdivisions of the appropriation would seriously curtail it, and in so far defeat its purpose.

"(2) The construction of the subdivisions is so careless as to show that they were made only for convenience, and not from any wish to determine the limits of expenditure for various purposes.

"(3) The use of the word total in the singular instead of in the plural looks to the whole yearly appropriation instead of to its several subdivisions.

"(4) Heretofore appropriations for the University have been in an unrestricted yearly sum, which the Regents were authorized to expend at their discretion. The insertion of the proviso in question in this year's itemized bill would seem to be to preserve to the Board the power hitherto exercised.

"(5) It is hard to see that any good whatever would be accomplished by restricting the power to make changes to the subdivisions of the appropriation.

"(6) If the power to make changes is restricted to the subdivisions of the appropriation, it will not only hamper the Board in the exercise of their discretion, but will involve vexatious and useless bookkeeping complications in the office of the Comptroller and of the University Auditor."

I agree with the construction you have placed upon the language of the appropriation bill, and believe your analysis is as satisfactory, if not more so, than any analysis that I could write, and hence I adopt the same and beg to concur in your conclusions.

1. The Board of Regents of the University of Texas when Contracting for the Construction of a Building May Take Into Consideration Not Only the Amount of Money on Hand to the Credit of the Available University Fund, but may also Consider the Amount of Money that Will be Received for the Credit of said Fund on and before August 31, 1917, and End of the Appropriation year.

2. **By the Terms of Section 1, Chapter 22, Acts First Called Session of the 33rd Legislature Certain Limitations are Placed Upon the Right of the Regents of the University to Contract for the Erection of Buildings. Such Buildings Must be Authorized by Specific Legislative Enactment or by the Written Direction of the Governor. October 23, 1916; Vol 48, pp. 246-249.**

Assistant C. A. Sweeton to Regent David Harrell:

We are of the opinion that the Board of Regents in providing buildings for the University, may, at the time of making a contract for said buildings, take into consideration not only the amount of money on hand to the credit of the Available University Fund, but may likewise consider the amount of money that will be received from all sources for the credit of said fund on and before the end of the appropriation year, to-wit: August 31, 1917. If, therefore, the amount of money on hand plus the amount that will be received by the end of the appropriation period will be sufficient to cover the cost of the erection of the building or buildings, the Board would be authorized to make the contract as no deficiency would be created.

When the Legislature makes an appropriation of the Available University Funds, the Regents may enter into contracts authorized by law, payable in anticipation of the funds going to make up the Available University Fund being paid and made available by the appropriation, and such contracts do not constitute a creation of a debt or a deficiency.

It will be observed that [Chap. 22, Sec. 1, Acts of First Called Session of 33d Legislature] prohibits the regents from contracting or providing for the erection of any building, unless the same be authorized by specific legislative enactment or by written direction of the Governor. Inasmuch as there is no specific legislative enactment providing for the erection of the building for which the Board desires to make a contract, we would respectfully suggest that it would be necessary in order to comply with the terms of the requirements of said Chapter 22 for the Board to obtain the written direction of the Governor authorizing it to enter into a contract for such purpose.

1. **A foreign born resident of the United States who has merely declared his intention to become a citizen, but whose naturalization has not been completed is an "alien."**
2. **There is nothing in the treaties between the United States and the countries named which conflicts with the right of the Board of Regents to remove any of the professors named because they are aliens.**



3. The right of public employment is not one of the rights protected under the privilege, immunity, equal protection and due process clauses of the Constitution of the United States so far as aliens are concerned.
5. The professors named are aliens and may lawfully be removed by the Board for that reason if the Board concludes that the interest of the University shall require it.
5. Procedure of Removal discussed.

May 9, 1917, Vol. 49, pp. 245-254

Asistant C. M. Cureton to President R. E. Vinson.

Your letter requesting an opinion of the Attorney General reads substantially as follows:

"At the last meeting of the Board of Regents of the University of Texas, on April 24, the following resolution was unanimously passed, viz.: that the services of all aliens in the employ of the University be terminated at once, their pay to continue thirty days. After some investigation, I have discovered in the University the following cases, which present legal problems which I am not able to solve, and upon which I desire your ruling at your earliest possible convenience.

"(1) Miss Lilia Mary Casis was born in Jamaica, and has been a British subject, but took out her first papers for naturalization as an American citizen in November, 1913. She has not yet carried this original intention into full effect.

"(2) Dr. James Edwin Thompson was born in England; has been a British subject; took out his first papers in 1895, according to the certified statement attached hereto; has paid his poll tax regularly since that date and voted at every election, up to and including the one for 1916, and has voted at all elections since the first of January, 1917. He has made application for full citizenship in the United States, and his petition will be acted upon by the District Court in Galveston sometime during November, 1917. Dr. Thompson has held a commission as first lieutenant in the Medical Reserve Corps of the United States Navy since April, 1912, and within the last few weeks has been advanced to the rank of major in the same organization.

"(3) Mr. Charles Knizek was born in Bohemia; came to America in 1909; took out his first naturalization papers in 1911; has filed his application for second papers, which will be acted upon in June, next.

"(4) Mr. Jacob Anton de Haas was born in Holland; came to America in 1904; took out his first papers in 1904; made application for his second papers in 1914, but action thereon was postponed because his witnesses had all removed to Europe at the outbreak

of the war. In December, 1916, after one year's residence in Texas, he filed renewed application for final papers, which will be passed upon June, next.

"(5) Mr. Karl Friedrich Muenzinger was born in Germany, with last foreign residence in Switzerland; took out his first papers, according to exhibit hereto attached, in 1906. He has not completed this naturalization, on account of the fact that as a student he has removed from one institution to another until his appointment as an instructor in the University of Texas, his year of residence here not having terminated at the outbreak of the European war. I understand that his original papers have lapsed.

"Will you be kind enough to certify to me, at your earliest convenience, your opinion as to the citizenship status of each of the individuals above referred to, in order that I may carry into effect the rulings of the Board of Regents? Further, will you be kind enough to indicate to me whether the ruling of the Board of Regents as above given can be legally put into effect in the light of certain possible treaties into which the United States Government may have entered with foreign powers?"

The question presented is not one with reference to citizens of the countries with which the United States is at war and therefore to be qualified and whose rights are to be ascertained under the classification of "resident alien enemies," but your letter shows that the parties named are subjects of various countries with most of which the United States is at peace. The question to be considered, therefore, is with reference to the parties named as "aliens" from the several countries named.

We have examined the treaties existing between the United States and the various sovereigns of which those named in your letter are subjects and find no provision in any of them with which the resolution of the board of regents is in conflict. The right of public employment is not one of the rights protected in any of the treaties referred to, nor is its denial within the inhibitory provisions of the constitution of the United States relating to privileges and immunities, nor is such a right protected by the equal protection or due process clause of the 14th Amendment to the Constitution of the United States.

The salary of university professors are paid by appropriation out of the treasury of the State from funds raised by taxation. On the whole, we have therefore concluded, that a professor in the university is engaged in a public employment by the State. It has been authoritatively settled by a recent opinion of the Supreme Court of the United States that the right of public employment by a State may be denied an alien.

Heim vs. McCall, 239 U. S. p. 175, et seq.

It is true there is no statute in this State denying public employment to aliens, nor is there one creating such a right. However, to the board of regents of the university is confided the authority to determine who shall be employed as professors in the university.

The board of regents, therefore, are at liberty to decline to employ an alien as a professor, if they so desire. It is a matter within their discretion as public officers of the State.

When the board concludes that the interest of the university requires the removal of a professor because he is an alien, it has authority to remove him.

The statute does not undertake to regulate the procedure necessary for removal, but it is elementary that such a board cannot arbitrarily exercise this statutory power, but must act with discretion and judgment and take all necessary steps to inform itself before proceeding to consummate the removal.

In the event a professor is employed for a definite term, our opinion is that although he may be removed under this statute, still he should be given a notice and a hearing before the final order removing him is carried into effect. When the order of removal is entered by the board, it should be upon and embrace a finding that in the judgment of the board the interest of the university requires the removal of the particular professor whose case is before it for consideration.

You are advised, therefore, that the professors named by you in your letter are aliens, and may be lawfully removed by the Board for the sole reason that they are aliens if the board concludes in the exercise of their judgment that the interest of the university shall require it.

Permit me to say in conclusion that this opinion is confined purely to the legal questions presented and that the writer has expressed no opinion as to the public policy or propriety of the Board's action—these being for the board alone and concerning which the Attorney General has no authority and expresses no opinion.

**Veto of University Appropriation. June 9, 1917; Vol. 51, pp. 326-341**

B. F. Looney to President Robert E. Vinson.

I have your letter of the 8th instant, wherein you say:

"At the approaching meeting of the Board of Regents of the University, to be held on June 11, it will be necessary for me to submit recommendations as to the conduct of the institution for the session of 1917-1918. In view of the condition of the Uni-

versity appropriation as contained in the general educational bill as finally approved by the Governor, I am unable to determine what funds will be available for the operation of the University.

"Will you, therefore, kindly advise me at as early a date as may be possible what funds under the bill as approved by the Governor will be available for the support and maintenance of the University for the year 1917-1918."

Herewith I will give you my views on the subject for what they may be worth.

# I

I am of the opinion that the total sums appropriated for the support, etc., of the University, as contained on Pages 27 of House Bill 13, have not been vetoed.

In the veto "proclamation" the Governor specifically describes the items intended to be vetoed as the items marked with "blue-pencil," on pages 1 to 24, inclusive, of the Bill.

The Bill as approved and filed by the Governor (after eliminating all items "blue-penciled") down to and including page 27 thereof, reads as follows:

[Here quotes Ch. 43, General Laws, First Called Session, Thirty-fifth Legislature, omitting the vetoed items.]

It must be apparent at a glance that the Bill, in its final form, contains all the language necessary to make appropriations for the support, etc., of the University in total amounts, as follows:

"School of Mines.....	\$ 26,500.00	\$ 27,477.00
Medical Branch. . . . .	98,755.00	98,755.00
Main University. . . . .	719,698.50	710,198.50

plus "all the available University funds."

In making appropriations for the support of State Institutions it is not at all necessary for the same to be itemized, but a "lump sum" appropriation is valid. In other words, the Legislature, in the due exercise of its power, might have given the Bill, originally, the form in which we now find it; and if it had done so, and the same had been signed and filed by the Governor there could be no doubt as to the competency of the Bill to make appropriations in the total amounts stated.

The only source of information to which reference may properly be made in an endeavor to limit the specific terms of the Bill are (1) the veto proclamation of the Governor; (2) Laws controlling appropriation bills, and laws in *pari materia*.

If the language of the veto is plain it must be given literal effect; if ambiguous, doubts must be resolved in harmony with the legislative intent insofar as the same may be ascertained from the entire subject matter.



In entering upon an examination of the veto message, a fact of prime importance must be fixed in mind. The filing of the veto proclamation and the filing of the Bill as signed were two related acts: (1) contemporaneous; (2) concurrently necessary to the disposition of the Bill. The two acts, to be concurrently effective, must be harmonious; consequently, under fundamental rules, they must be construed, if possible, so as to be in harmony one with the other, and so that one act will not destroy the other in whole or in part. Now let us apply this idea to the facts: By one of the concurrent, contemporaneous, acts the Governor filed and thereby approved, the Bill as set out above carrying the total appropriations stated for each of the two years. This act was as formal, solemn and final as the filing of the veto proclamation. Certainly the Governor meant for the Bill to have the form finally given it by him; in the absence of a plain statement to the contrary there is no warrant for saying that, in giving the Bill this final form, he did something which he did not intend to do. It follows, therefore, that the other contemporaneous, concurrent act, to-wit: the veto should be construed, if possible, to be in harmony with the act of filing the Bill in its final form.

There is no difficulty in reaching such a construction of the veto.

As stated above, the veto message describes the items intended to be vetoed as those "blue-penciled" on pages 1 to 24, inclusive, of the Bill as filed. The items vetoed, according to the message itself, are those "all fully described in House Bill 13, on pages 1 to 24, inclusive;" the message in another place, says:

"And only and all said appropriations described in said House Bill 13, on said pages 2 to 24, inclusive, are hereby disapproved and vetoed, and the same are blue-pnciled and vetoed."

This language is specific; it specifically describes the items (by particular reference) to which the veto was intended to apply; and being specific, under fundamental rules, it must be understood to control any general and conflicting language, if any, in the message. The portions of the Bill as copied above were neither "blue-penciled," nor are they to be found on pages 2 to 24. Consequently if it should be held that any of such portions were vetoed, the specific description of the vetoed items as contained in the message must be changed so as to include pages 25, 26 and 27 and so as to include items on page 1, which were not marked with "blue-pencil." But this expansion of the "description" would violate the plain language of the Governor.

Upon those who may contend that the total appropriations for the University were vetoed must rest the burden of showing two things: (1st) That there is a conflict between the terms of the Bill as filed and the veto message, and in order to do this a conflict must be found in the terms of the message itself. We say this because

the Bill, as approved specifically carries the total appropriations named, and the veto message particularly describes the items vetoed as being on pages 2 to 24 of the Bill, and neither the totals nor the appropriating language is to be found on those pages; (2nd) having found the ambiguity, they must go further and point to some indicia within the Bill or the message impelling the conclusion that neither the Bill nor the Message (wherein it is specific) mean what they say. I think the task in either instance is impossible of accomplishment. My reasons for thinking so have been, in part, already indicated; other supporting reasons may be assigned by way of anticipation.

It may be said that the intention to veto the totals is evidenced by the following language of the message:

"I hereby veto and disapprove the entire appropriation made by the Thirty-fifth Legislature for the support of the State University of Texas, for the fiscal years beginning Sept. 1, 1917 and ending August 31, 1919, the same aggregating \$98,755.00 for the fiscal year ending August 31, 1918, and \$98,775.00 for the fiscal year ending Aug. 31, 1919, for the support of the Medical Branch of the University at Galveston, Texas; and aggregating \$719,698.50 for the fiscal year ending August 31, 1918, and \$710,198.50 for the fiscal year ending Aug. 31, 1919, for the support of the main University; same to be spent for the payment of salaries of various professors, associate professors, instructors, assistants, adjunct professors, tutors, curators, secretaries, employees, agents, officers, business manager, assistant business manager, auditors, land agents, laborers of all kind and descriptions and for various contingent funds, current expenses, traveling expenses, in said Medical Branch of the State University at Galveston, Texas, and in the said main University situated at Austin, Texas," etc.

This language, taken by itself, might produce the veto of the totals. But, when taken by itself, it is misleading. It cannot be considered by itself. It is familiar law that all parts of a written instrument must be read together. It is also familiar law that all portions of all related documents must be read together, and that each portion must be given effect if possible. This is especially true of statutes and of statutes accompanied by veto messages. To segregate the clause last quoted from the message to give it literal effect, manifestly, would render ineffective and meaningless all other portions of the Message and also further amend the Bill as actually signed and filed. This has been pointed out above, but attention is here called to the important fact that the above quoted general language is specifically limited, in the same sentence, by the following clause:

"and all fully described in the original House Bill Number 13, on pages 1 to 24, inclusive . . . to which reference is made

for a more particular description of the appropriations hereby disapproved and vetoed"

and further along in the same sentence this language is found:

"and only and all said appropriations described in said House Bill 13, on said pages 2 to 24, inclusive, are hereby disapproved and vetoed, and the same are blue-penciled and vetoed."

The complete language can mean but one thing, and that is that the items marked with blue-pencil on the pages designated were intended to be vetoed. The totals are not marked with "blue-pencil," nor are they on the pages named; to hold that they fell within the general condemnatory language quoted requires the reformation of the Governor's message so as to eliminate the specific qualifying clauses.

The veto of the totals alone would not have affected the detailed "items" on pages 2 to 24, nor would the veto of any or all of the detailed "items" on pages 2 to 24 affect the totals unless the totals themselves were vetoed. The message does not directly, or by reference, mention the total items contained on page 27 of the Bill; it will be noted that the general language of the Message (quoted above) says that the items vetoed "aggregate" sums which correspond to the totals on page 27. This means that the items vetoed on pages 1 to 24 "aggregate" the amounts mentioned, and does not, at all, necessarily refer to the total sums set out on page 27.

But it may be said, further, that there is no apparent reason for the veto of the items on pages 1 to 24, and all of them, unless it was intended for the totals on page 27 to be vetoed.

There are various answers to this. In the first place, since the Governor had the power to veto the detailed items on pages 2 to 24, and at the same time leave the totals on page 27 intact, and since this is clearly the *prima facie* effect of the Bill as filed with the message, it is not necessary to ascertain the reasons therefor. In the second place, if possible reasons must be shown they are readily deducible from the effect of the Bill in its final form. If our construction of the Bill and the Message is correct then the effect of the Bill as re-formed by the Governor is to leave the total amounts appropriated in force, to be expended for the general purposes enumerated in the Bill according to the discretion of the Board of Regents, whereas the original Bill undertook to specify, in detail, how the money should be spent. It will be noted that the original bill left the manner of the expenditure of the "available funds" entirely to the Board of Regents, and the effect of the veto, as we construe it, is in like manner to enlarge the power of the Board over the expenditure of the totals. The Governor had the power to object to any number of the specific items and to strike them from the Bill, leaving the totals intact, and in this way to deal with the dis-

position of the funds. For instance: He may have thought that the amount specifically set aside for any particular purpose was too large, and yet have thought that the particular purpose itself should be carried out; by striking out the specific item and leaving the totals the purpose could still be accomplished and a proper amount of money be spent therefor by the Regents. The entire effect of the veto is to permit the total amount to be redistributed by the Board of Regents to the details necessary in the proper administration of the institution.

The construction which I have given the Bill and the Message applies to every provision of both instruments; and other construction destroys, in the whole or in part, some portion of each. This of itself impels my belief that this construction is correct.

But there is another reason to be found in the Organic Law and the Constitutional relation of the Departments of Government. By Section 10, Article 7, of the Constitution the Legislature is commanded to provide for the "maintenance, support, and direction of a University of the first class." By subsequent Section partial provision,—by way of a "permanent fund,"—is made for its support. But that the People whose command is found in Section 10, Article 7, understood that the proceeds from the "permanent fund" would be inadequate for the proper support of a constantly growing "University of the first class" and that it should be the duty of the Legislature to supplement this fund by appropriations is unmistakably shown in Section 11, wherein such appropriations are specifically mentioned, and in Section 48, of Article 3, wherein the right of the Legislature to impose taxes for the support of State Universities and Colleges is definitely granted. In the exercise of these powers of the Legislature, in the passage of House Bill 13, declared the "available funds" to be wholly insufficient for the maintenance of the University and proceeded to supplement the same by appropriations. This was a declaration of fact within the jurisdiction of the Legislature, and the force of its findings should not by construction be disturbed unless reversal thereof is rendered imperative by other law. That the Governor did not intend to disturb this finding of fact is conclusively shown by the circumstance that his veto Message itself, under any construction thereof, provides for a supplement of the "available funds." With this condition of fact established, it is impossible to imagine that the Governor thought that a supplemental appropriation of only \$3500 per year was sufficient for the maintenance of the "Main University."

With these plain Constitutional demands before us,—with the unreversed finding of fact of the total inadequacy of the "available funds" before us,—and in the absence of an unmistakable declaration by veto, violence to Reason and gross injustice to the Governor would be the resultants of holding that he intended to veto the



entire supplemental appropriation (except \$3500 per year) for the Main University. The Governor has made no such declaration; on the contrary, he has more than once repudiated such an idea: Once, positively, by signing and filing the Bill which clearly appropriates the totals named on page 27 thereof; twice, negatively, by specifically limiting the veto to the items set forth on pages 2 to 24.

We hold, therefore, that the total amount of money stated on page 27 of the bill will be available for the support and maintenance of the University and its branches to be expended under the direction of the Board of Regents for the two years named.

What has been said above represents my belief as to the effect of the veto and the availability of funds for the support of the University. My knowledge of the unsettled condition of the affairs of the University leads me to believe, however, that my judgment in the premises may not be taken as final, and that an adjudication of the question by the Courts will, probably, be required. Pending such adjudication the University must operate, and, happily, in my opinion, the Appropriation Bill furnishes the means to this end.

## II

I refer to the provisions as to the "Available Funds." By the Bill "all the available University funds, including interest from its bonds, land notes, endowment and donations of gifts and fees collected, and all receipts whatsoever from any source" here appropriated "for the maintenance, support, and direction of the University of Texas including the Medical Department at Galveston, including the construction of buildings" for the two years beginning September 1, 1917, and ending August 31, 1919." No limitations upon the use of these funds other than the general language quoted is to be found in the Bill, and their expenditure is wholly within the control of the Board of Regents at any time during said two-year period. In my opinion the Regents may use such amount of such funds as may actually be in hand on September 1, 1917, and thereafter, and at any time during the two-year period may capitalize or in any other manner use the credit of such funds to become available at any time during said two-year period in order to secure money for immediate use.

In the event such available funds become exhausted, and in the event the total appropriations contained on page 27 of House Bill 13, discussed above, in accordance with this opinion, shall not become available, the University could lawfully be operated upon "donations," "gifts," etc., which it might be able to procure from any source.

## III.

While I do not think the University can borrow money outright and bind the State for the repayment thereof, I do believe that some citizen or group of citizens can be found who would have sufficient confidence in the good faith of the People of Texas, to lead them to advance to the University such sums of money as may be needed for its proper maintenance during the two years, upon the expectation that the Legislature, at its next session, would submit to the People of Texas a Constitutional Amendment recognizing such advances as being debts which ought to be paid by the State and in the expectation that such Amendment when submitted would be adopted by the people, thereby insuring the benefactors the return to them of the moneys with interest thus patriotically advanced for this high purpose.

The Board of Regents of the State University is not authorized to pay from appropriations made by the Legislature to maintain the University, an attorney's fee incurred by certain members of the Board of Regents in defense of a suit brought against them as individuals to restrain them from executing an alleged conspiracy entered into to deprive a certain faculty member of his legal rights; the suit not being against the State and not against the Board of Regents, as such, but against a minority of the Board as individuals, is not a suit against the State, nor does it concern the State, and, hence, is not a public matter, the expenses of which are to be paid from public funds.

Even if it should be considered a legal demand, yet the appropriation to maintain the University would not authorize the payment of an attorney's fee incurred under the circumstances.

July 27, 1917, Vol. 49, pp. 438-451

B. F. Looney to Treasurer J. M. Edwards.

The action was originally brought against G. C. McReynolds, A. W. Fly, C. E. Kelly and John M. Mathis. Since the filing of the suit G. C. McReynolds resigned, and the vacancy was filled by the appointment of another party, who was not made a defendant in the cause. Therefore, the action may be considered as being against three members of the Board of Regents only, to-wit: A. W. Fly, C. E. Kelly and John M. Mathis. The Board of Regents of the University of Texas is an administrative agency of the State, for the government of its University, created by the Constitution and laws of the State.

Summarized, the complaint made in this petition is that the defendants named had become disqualified to act as Regents upon

the question of the removal of the plaintiff in that action "and others of the faculties of said University similarly situated." The charge of disqualification made in the petition does not extend to those members of the Board of Regents not named as defendant, nor does it extend to the defendants concerning any other matter or question than the removal of the plaintiff and other members of the faculty similarly situated.

6 Corpus Juris, 811.

29 Opinions of the Attorney General of United States, 99.

A school board must act as a unit in the manner prescribed by statute, as a board convened for the transaction of business; but a majority may lawfully do official acts. In other words, it is not necessary that all the members of a board of this character should concur in the exercise of its authority.

Voorhees Law of Public Schools, Sec. 44.

23 American and English Encyclopedia of Law, 366.

Nor is it necessary that all members of a board attend the meeting, provided all have had notice of the meeting, and there is a quorum present.

23 American and English Encyclopedia of Law, 366-7.

These general rules obtaining in either jurisdiction are statutory in this State, for Revised Statutes, Article 5502, Subdivision 5, declares:

"A joint authority given to any number of persons or officers may be executed by a majority of them, unless it is otherwise declared."

From this general and statutory rule, it is clear that a majority of the Board of Regents of the University of Texas may act on any matter coming before the Board. The question is, did the fact that three members of the Board were unable to act because enjoined on account of alleged disqualifications disable the Board from performing its statutory duties as a Board, in the management and government of the University.

From these authorities, I think the conclusion correct that the Board of Regents of the University of Texas, although three of its nine members were enjoined by reason of alleged disqualification from acting, was still qualified to act. All members of the Board, including those enjoined, had authority to, and were qualified to participate in the discussion of a vote upon any matter relative to the government of the University, except the three defendants named in this suit could not do or perform any act or thing, or enter into any agreement or combination or take or attempt to take any vote or pass or attempt to pass any resolution for the purpose of removing or attempting to remove the plaintiff in this motion or others upon the faculties of the University similarly situated from the positions held by them until the further orders of the Court.

But this was by reason of their alleged disqualification, the determination of which issue was before the court, and presented a situation of no greater legal difficulty than would have been presented by a disqualification for any other cause. The suit was brought against the defendants individually, and not against the Board, and, therefore, involved only a private right, to-wit, the question of the disqualification of A. W. Fly, C. E. Kelly, and John M. Mathis to exercise a certain function of their office. The public was not injured by reason of the existence of the lawsuit to any greater extent than it would have been if these gentlemen were disqualified to participate in any particular matter before the Board, by reason of interest or relationship.

Such being the status of the matter, the public did not have such interest in the litigation as would authorize the Board of Regents in paying defendant's attorney's fees out of funds appropriated for the support and maintenance of the University.

While the Lomax suit grew out of the proposed action of these Regents, it no more involved the interest of the State than the proposed action of Conley in the above suit. If the decision of Judge Graves had been adverse to the defendants, it would in no sense have affected the State; it would not have embarrassed the Board of Regents to discharge its full duty, but would have established the fact that the said Regents, in connection with the Governor of the State, entered into an unlawful conspiracy detrimental to the plaintiff. This Texas case, recently decided by our Supreme Court, is directly in point, and enables us to determine whether or not the Lomax suit involved a public matter, the expenses of which the State ought to bear, or a purely personal matter, the expenses and consequences of which the individuals must bear.

It is true the Lomax suit failed, so did the suit against Conley fail, but the fact that the plaintiff in each of these cases failed to sustain by proof the allegations could not change the nature of the suit. The nature of the suit is established by its own allegations, and not by the result. If it was a suit against members of the Board, in their individual capacity, in the beginning, it remains so throughout.

No individual is immune from the possibility of having groundless suit brought against him; he must appear in court and answer, and if the employment of counsel is necessary he must bear this expense from his own pocket. When a man enters upon the discharge of public duties he carries with him always this liability.

For the reasons above stated, I express it to you as my opinion that this fee of Eleven Hundred (\$1,100.00) Dollars cannot legally be paid from public funds, and should not be paid. This being a sufficient reason to dispose of the question, I have not deemed it



necessary to advert to another which I believe would also lead to the same result.

**The Governor of the State is without authority to remove a member of the Board of Regents from office.**

**Second: A member of the Board of Regents can only be removed from office for causes provided by the Legislature under quo warranto proceedings. Vol. 50, pp. 109-116.**

B. F. Looney to Governor W. P. Hobby.

Dear Sir: I have your favor of the 12th instant, transmitting copy of Senate Simple Resolution No. 8, which states, in effect, that Honorable Wilbur Allen practiced deception on the members of the Senate in regard to his attitude towards the then pending issues with reference to the University and by these means secured his confirmation, as a member of the Board of University Regents.

The resolution of the Senate concludes as follows:

"Now therefore, the Senate of Texas requests the Honorable W. P. Hobby, Acting Governor of Texas, to set a day upon which said Allen shall appear before said Governor, and a committee from the Senate shall appear before the said Governor and present to him reason believed by the Senate to be good and sufficient cause for the removal of said Allen, to the end that said Allen may be removed by the Governor in conformity with the law."

Your communication is as follows:

"I enclose herewith copy of Senate Simple Resolution No. 8. I will be pleased to have you advise me your opinion as to the power of the Governor of Texas to remove a member of the Board of Regents of the University of Texas for cause as provided in the Statutes."

Replying, I beg to call your attention to Section 7 of Article 15 of the Constitution, which reads as follows:

"The Legislature shall provide by law for the trial and removal from office of all officers of this State, the modes for which have not been provided in this Constitution."

The Constitution and statutes provide for the removal of certain officers by impeachment, but regents are not included, (Section 2, Article 15, Constitution; Article 6017, Vernon's Sayles'). Also provision is made for the removal of district judges by the Supreme Court, (Section 6, Article 15, the Constitution; Article 6022, Vernon's Sayles'). Provision is also made for the removal of certain officers by the Governor on the address of two-thirds of each house of the Legislature, but regents are not included, (Section 8, Article 15, Constitution; Section 6018, Vernon's Sayles').

The above are the only modes prescribed in the Constitution for the removal of officers.

The Legislature, however, in obedience to the provision of Section 7, Article 15, first quoted, has provided for the removal of certain district, county and city officials. (See Chapters 2 and 4, Title 98, Vernon Sayles').

In each instance above mentioned, both in the Constitution and in the statute, the modes provided for the removal of officers, contemplate a trial. The procedure provides that a charge or petition is to be made setting up the grounds for removal; notice is required to be given the defendant of the complaint and of the time and place for the hearing, and full opportunity is afforded for a fair and impartial hearing; in other words, due process of law is provided.

Regents of the University are not mentioned by name in any of the provisions above referred to.

As the Legislature has been so particular to safeguard the property rights of the petty officers of the counties and towns of the State, to protect them from an arbitrary or summary dismissal from office, it is not to be conceived that it intended to leave the most dignified and important offices of the State unprotected, against the possible exercise of an arbitrary power of removal.

Such is not the case. The Legislature has, in obedience to the Constitution, made provision also for the trial and removal of regents when cause for such removal, as provided by the Legislature, exists.

Articles 6398-6404, Vernon's Sayles', provide for the trial and removal of any public officer by quo warranto proceedings in the following instances:

"In case any person shall usurp, intrude into, or unlawfully hold or execute, or is now intruded into, or now unlawfully holds or executes any office, or franchise, . . . or any public officer shall have done or suffered any act which by the provisions of law works a forfeiture of his office," etc.

It is apparent, therefore, that if any person should intrude into, or unlawfully hold or execute an office; that is, without a legal election or appointment thereto, he could be tried and ousted by quo warranto proceedings. For instance, if an ineligible person should be appointed or elected to an office, or if a person should by any fraudulent or illegal means get into possession of an office, this statute would be applicable.

Also where any public officer does or suffers any act, which, by the provision of law, works a forfeiture of his office, he can be tried and ousted under the provisions of this statute. For instance, when an officer forfeits his office by removal from the State, or by acceptance and qualification to another office, or should in any way abandon the office.

Section 5 of Article 16 of the Constitution reads:

"Every person shall be disqualified from holding office of profit or trust in this State, who shall have been convicted of having given or offered a bribe to procure his election or appointment."

It is perfectly apparant that if a regent of the University should be convicted of bribery, as contemplated by this provision of the Constitution, he could be removed by quo warranto proceedings.

Another instance: Article 200 of the Penal Code reads as follows:

"Any State or district officer in this State, who shall be guilty of drunkenness, shall be subject to removal from office in the manner provided by law; and, upon conviction thereof in any court of competent jurisdiction, shall be fined in any sum not less than ten dollars nor more than two hundred dollars."

Regents of the University are included within the term "State and district officers," hence on conviction for drunkenness a regent could be tried and removed from his office under the terms of the quo warranto statute, for an act done "which by the provisions of law works a forfeiture of his office."

Article 119-A, of the Penal Code, prohibits regents from making contracts for the erection or repair of any building or other improvements, or for the purchase of equipment, or supplies of any kind for the institution under their charge, where such contract or purchase is not authorized by a specific legislative enactment, or on written direction of the Governor acting under and consistent with the authority of existing laws, and they are prohibited from contracting or creating any deficiency in the name of the State not specifically authorized.

Section 119-B, reads:

"That any regents . . . of any educational . . . institution, who shall violate this Act shall be at once thereafter removed from his position with such institution, and shall not thereafter be eligible to hold said position. . . ."

This statute affords another instance where a regent could be ousted from office by the quo warranto statute for an act done which, by the provisions of law, works a forfeiture of his office.

The violation of the neoptism law is also a ground for the removal of a regent from office.

Artcle 6074 of Vernon's Sayles' reads as follows:

"In addition to any other penalty imposed by law, any person who shall violate any of the provisions of the law contained in the Penal Code relating to the offense known as nepotism and the inhibited acts connected therewith, shall be removed from his office, clerkship, employment or duty as therein mentioned."

With reference to this offense, quo warranto is specifically provided for in Article 6076, Vernon's Sayles,' as follows:

"All quo warranto proceedings mentioned shall be instituted by the Attorney General in one of the district courts of Travis County or in the district court of the county in which the defendant may reside; and concurrent jurisdiction in such suits is hereby conferred upon such courts."

Other instances could probably be found where regents may be subjected to trial and removal from office because of acts done or suffered, which, by the provisions of law, works a forfeiture of the office, but it is believed that these instances are sufficient to show that the Legislature has, in compliance with the Constitution, made provision for the trial and removal from office of regents of the University in all instances where, in the judgment of the Legislature, removal should take place.

I beg, therefore, to answer your question in the negative. In my opinion, the Governor has no power to remove a regent from this office, but such removal, if it takes place at all, must come as the result of a trial provided for in our quo warranto statutes.

The only pretense of authority in the Governor to remove a regent is found in Article 6027, Vernon Sayles', and is as follows:

"All State officers, appointed by the Governor or elected by the Legislature, where the mode of their removal is not otherwise provided by law, may be removed by him for good and sufficient cause to be spread on the records of his office and to be reported by him to the next session of the Legislature thereafter."

This statute, even if a valid law, has no application whatever to officers where the mode of their removal is otherwise provided by law, and, as I have just shown that the trial and removal of regents is provided for in the quo warranto proceedings, the statute in question gives no authority to the Governor to exercise the power of removal.

The validity of this statute, however, is exceedingly doubtful. The Constitution, Section 7, Article 15, requires the Legislature to provide by law "for the trial and removal from office of all officers of this State, the modes for which have not been provided in this Constitution." Assume, therefore, that the Legislature has made no provision for the removal of regents other than is found in the statute just quoted, does that comply with the Constitution? Is provision made therein for *a trial* before removal?

What does the term "trial" mean? "A trial is the judicial examination of the issues between the parties, whether they be issues of law or fact." 38 Cyc. 1267; Words & Phrases, 2nd Series, Vol. 4, p. 1003; Bouviere's Law Dictionary, Vol. 3, p. 3320.

In order to constitute a trial, charges must be made, notice thereof given, time and place for hearing named, and an oppor-



tunity for the person charged to be fairly and impartially heard on the issues made; otherwise, there is no trial and due process of law is not administered.

I beg to call your attention to the case of Honey vs. Graham, decided by our Supreme Court, reported in 39 Texas, page 1.

This case arose out of the fact that Governor Davis removed George W. Honey from the office of Treasurer of the State. It seems that Mr. Honey, with his family, left the State, saying to several persons that he would be gone six weeks. His chief clerk was left in possession of the office. Soon after Honey's departure, the Governor notified the chief clerk that he must execute a bond for the faithful administration of office. The bond was not executed to the satisfaction of the Governor, and thereupon the office was seized by military force; the Governor issued a proclamation declaring the office vacant and appointed B. Graham to fill the vacancy. The suit of Honey vs. Graham resulted, and the case turned upon the power of the Governor to create a vacancy by removing the State Treasurer from office.

In the course of the decision, the court said:

"The governor declares in his proclamation, that George W. Honey, late Treasurer of State, had absented himself (11) from the limits of the State—not on public business, and without leave of absence—leaving no bonded or responsible clerk, but leaving a man acting as such who, when called on to give the bond required by law, was unable to do so. These are the facts stated in the proclamation, from which a vacancy was inferred, and the appellee appointed to fill the vacancy.

"The 16th section of the 1st article of the Constitution reads thus: 'No citizen of this State shall be deprived of life, liberty, property, or privileges, outlawed, exiled, or in a manner disfranchised, except by due course of the law of the land.'

"The right to hold and exercise the functions of an office to which the individual may have been duly elected, may be regarded both as property and privilege, and therefore the incumbent can only be deprived of his office in the manner pointed out in the above quoted section of the Constitution. It may be safely admitted that more than one case might occur where the governor would be authorized in assuming that an office was vacant; but no case can occur under our constitution wherein the governor would be authorized to *adjudge* an office forfeited.

"Judgment belongs to the judiciary. A charge of forfeiture can only be made out on proof—proof sufficient to satisfy twelve unprejudiced minds.

"To forfeit his right to an office, the incumbent must have done

something sufficient in law to deprive him of the office; and the constitution and laws secure to the person so accused the right of traverse—right of trial—and (12) no power on earth can lawfully deprive him of these rights. . . .

“The power of the governor to fill a vacancy, when one exists, is not disputed. The power to create a vacancy is denied by every authority, except where the office is filled by the governor’s choice of an incumbent without concurrence of the Senate or election by the people, and the term of office is undefined by law. In such case the incumbent holds at the pleasure of the executive, and may be at any time removed from the office. *Keenan vs. Perry*, 24 Tex., 253; *Hill vs. State*, 1 Ala., 599; *Bowman vs. Slifer*, 25 Penn. St., 29; 123 Pet., 259; *Iowa vs. Commonwealth*, 3 Pet., 213; *Page vs. Hardin*, 8 B. Mon., 648; *Brown vs. Grover*, 6 Bush., 1; *Cummings vs. Clark*, (13) 15 Vt. 653; *Johnson vs. Wilson*, 2 N. H., 202; *People vs. Fields*, 2 Scam., 79.”

This case announces the generally accepted doctrine that an office is both property and privileges, of which a person cannot be deprived, “except by the due course of the law of the land.” (See Section 19, Bill of Rights), which means a trial—an opportunity to be heard.

The statute in question makes no provision for a trial, is arbitrary and despotic in its possibilities and, in our opinion, furnishes no authority to the Governor to remove a University regent from office.

#### **Adjustments of Salaries in the State Educational Institutions January 26, 1918; Vol. 50, pp. 397-405**

B. F. Looney to Hon. W. H. Fly.

Dear Sir: On the 24th inst., I received copy of resolution adopted by the Committee over which you have the honor of presiding, requesting the opinion of this department as to the legality of the action of the several governing boards of the educational institutions, namely: the Board of Regents of the State University, the Board of Directors of A. & M. College and the Board of Regents of the normal schools in using certain contingent funds appropriated for salary adjustments in increasing the amount of compensation of members of the faculty and administrative employes of these institutions over the amounts named in the appropriation bill.

On investigation I find the language of the appropriation for the different institutions to which your inquiry relates as follows:

## UNIVERSITY

## Contingent Fund

For such adjustments in salaries and for such additions to the staff as may be necessary, to be determined by the Board of Regents.

## THE AGRICULTURAL AND MECHANICAL COLLEGE

Contingent expenses additional teachers, salary adjustments and other necessary expenses as directed by the board of directors.

## PRAIRIE VIEW STATE NORMAL AND INDUSTRIAL COLLEGE

Contingent expenses additional teachers, salary adjustments and other necessary expenses as directed by the board of directors.

COLLEGE OF INDUSTRIAL ARTS  
SAM HOUSTON NORMAL INSTITUTE  
NORTH TEXAS STATE NORMAL  
SOUTHWEST TEXAS STATE NORMAL  
WEST TEXAS STATE NORMAL  
EAST TEXAS STATE NORMAL

Contingent expenses, additional instructors, salary adjustments and other necessary expenses as directed by Board of Regents.

It thus appears that the language with reference to all these institutions is practically identical, except as to the University, additions to the staff is specially authorized. Your question involves the inquiry as to the meaning of the Legislature by the use of the phrase "salary adjustments," that is to say, does this authorize the managing boards of these institutions to increase the salaries as fixed in the appropriation bill.

The fundamental rule in the construction of all statutes is to ascertain the intention of the Legislature, because this really constitutes the law. We must arrive however at this intention by applying to the words employed their ordinary signification except words of art or words connected with a particular trade or subjects matter when a particular meaning is attached thereto. The words "salary adjustment" has not acquired any particular signification as words of art or of a particular trade or with reference to any subject matter. Therefore we must apply to them their ordinary signification.

The word "adjustment" in the Century Dictionary is used in a number of senses, among others, the following:

*First:* The act of adapting to a given purpose; orderly regulation or arrangement; as to the adjustment of a part of a watch.

*Second:* The state of being adjusted; a condition of adaptation; orderly relation of parts or elements.

*Third:* That which serves to adjust or adapt one thing to another or a particular service, as the adjustments of constitutional government.

Definitions could be multiplied, but it is believed that the above represent the meaning of this term, from which it will be difficult to get the idea that "adjustment" is synonymous with the term "increase".

Formerly appropriations for these institutions were made in lump sums leaving to the managing boards plenary authority to appoint officers, employ teachers and fix their salaries, but the Legislature in response to the demand of the dominant political party of the State made in its platform at El Paso in 1914, ceased lump sum appropriations and has begun to itemize these bills, fixing very definitely the salaries for the different positions and definite amounts for the different purposes named.

There is nothing in the context to aid in the interpretation of this phrase and nothing in the journal that sheds light. The present Legislature is the first one to employ this phrase with reference to contingent fund appropriations; hence there has not and could not have attached to this any particular meaning.

In the absence of a journal reference to this subject we have endeavored to arrive at the sense in which the Legislature used this phrase from the discussion before the committee just before and at the time the bill was under consideration and the understanding of members of the Committee and representatives of these different institutions who were present and participated in the discussion.

It is insisted by members of the Committee that this contingent fund was not to be used to increase the salaries of teachers beyond the maximum allowed in the bill for each teacher. An example given by them is as follows, which illustrates their idea of the meaning of this phrase: that is, if a department such as the Department of English in one of these institutions had one full professor at a salary of say \$1800.00 a year and one adjunct professor at a salary of \$1500.00 per year and it became necessary to promote the adjunct professor to a full professor, the salary would have to be adjusted and the \$1500.00 raised to \$1800.00, and that this fund could be drawn from to pay the \$300.00 required. We thus get an idea of the meaning attached to this phrase by members of the appropriation committee of the Legislature.

They further say:

"The committee (the appropriation committee) discussed the item of salary adjustment, additional teachers, etc., and allowed a sum for this purpose. It was the intention of the committee that this fund should be used for incidentals for paying the salaries of additional teachers or for adjusting any differences between the maximum and the minimum salaries allowed to teachers. It was the



opinion of the committee that this fund should not be used to increase the salaries of teachers beyond the maximum allowed in the bill for each teacher."

I requested a similar statement from the President of the University as to his understanding of the purpose and intention of the Legislature in using this phrase "salary adjustment" in the appropriation bill. Under date of the 25th inst., he wrote me and I quote from his letter as follows:

"We are charging to the item above mentioned the salaries in full for the new positions which have been created by the Board of Regents since the appropriation bill was passed by the Legislature, and for which no appropriation is made in any of the other items of the bill. In addition to this, we are charging to the item above mentioned only those amounts which are necessary to bring the salary of any member of the teaching staff up to the level of the salaries which correspond to their respective ranks. Such other increases within respective ranks as have been made by the Board of Regents are not chargeable to the contingent fund item referred to, but are charged against the matriculation and other fees paid by the students of the University. In other words, we have endeavored to interpret the item mentioned in view of the understanding which we had with the legislature when this appropriation was requested, and the money so appropriated, in so far as it is being used at all, is being used in good faith in the 'adjustment' of salaries, and not for the purpose of a general increase of salaries. The matriculation and other fees paid by the students last year and this year are more than enough to take care of all the salary increases, strictly speaking, which have been made by the Board, and would, I think, also be sufficient to take care of all of the items mentioned under the contingent fund appropriation now under discussion, if it were thought best to make use of the fees for this purpose. The Board of Regents has adopted a system of salaries and ranks in the University, with a maximum and minimum figure for each rank, and the adjustment referred to above applies to the carrying into effect of this arrangement.

"In addition to the above, may I call your attention to the fact, for such influence as it may have upon the question, that of the appropriations made for salaries to the University for this current session by the Legislature, approximately \$70,000.00 remains untouched at the present time. This is due to the fact that the war has brought about a considerable decrease in the number of students in this institution, and the positions left vacant by the large number of resignations and leaves of absence, also brought by the war, have not been filled by the Board, but other members of the faculty have increased the amount of work done and have endeavored to take care of the situation adequately. The Board of Regents and

administrative authorities of the University are making every effort to conduct the work of the University this year with every possible economy, and the saving above indicated represents only a part of what the sum total of saving will be before the expiration of the fiscal year.

"Trusting that the above interpretation of the Act of the Legislature meets with your approval and assuring you of my readiness to do whatever the clear interpretation of this Act requires, etc."

The view of President Vinson is in accord with that of members of the Legislature wherein speaking of this contingent appropriation he says:

"We have endeavored to interpret the item mentioned in view of the understanding which we had with the Legislature when this appropriation was requested and the money so appropriated in so far as it is being used at all is being used in good faith in the adjustment of salaries and not for the purpose of a general increase of salaries."

The Legislature in lengthy detail has fixed the salaries to be paid the different officers, professors, adjunct professors, etc., of these institutions and if it had intended to set aside these contingent funds to be used by the managing boards to increase generally the amounts of salaries stated in the appropriation bill it would have said so in plain language authorizing the increases, but it did not do so; therefore we must give to the phrase "salary adjustment" some other meaning.

The phrase of course was inserted in the bill for some purpose and is to be given some reasonable interpretation, and we have concluded that its purpose was to enable the Boards of Managers of these institutions whenever a teacher or professor or adjunct professor should be promoted to a higher position charged with greater responsibilities to which the Legislature had attached a higher salary, that this fund was to be used, among other things, to make up the difference between the salary of the person thus promoted and the higher salary attaching to the position to which he is promoted. In other words, to illustrate, take the Department of History in the University appropriation found at page 6 Printed Act of the Second and Third Called Session. The Legislature has appropriated \$3,000.00 per year as salary for a professor of American History and \$2200.00 per year for an associate professor of American History and \$1900.00 per year for an adjunct professor of Latin American and English History, and \$1800.00 per year for an adjunct professor of Modern European History, and \$1700.00 per year for an adjunct professor of Ancient History, etc. It is within the discretion of the Board of Regents to promote any of these adjunct professors and associate professors and instructors to professorships or higher positions, in which event, this contingent fund could be

drawn upon to make up the difference between the salary attaching to the position from which they are promoted and the salary attaching to the position to which they may be promoted.

This, in our opinion, was what the Legislature meant by salary adjustment, and while it may be used to increase salaries, it is not to be primarily so used and cannot, in our judgment, be used primarily for that purpose. To illustrate this point; take the salaries attaching to full professors mentioned on the same page—for instance in the Department of Government, to which the Legislature has attached a salary of \$3250.00 per year; in the Department of Greek the Legislature has attached a salary to the position of professor of \$3,000.00; in the Department of History the sum of \$3,000.00; in the Department of Home Economics \$3,000.00; in the Department of Institutional History \$3250.00, and in the Department of Journalism \$3250.00.

These salaries could not be increased from this appropriation because there is no other position higher to which a promotion could be made and an adjustment of salaries would not become [un]necessary.

We are therefore of the opinion that these contingent funds were not intended to be used by the Legislature primarily to increase salaries above the amounts fixed by the Legislature, but may be used incidently wherever one holding a subordinate position is by the managing board elevated to a higher position carrying a larger salary, in which event this fund may be used in adjusting the salary to the more responsible and important position.

We express no opinion whatever on any question not involved in your inquiry; that is, as to the meaning of the Legislature in using the phrase "salary adjustments" in connection with these appropriations for contingent funds.

**Use of the Available Fund to Organize and Maintain a Training School for Automobile Mechanics for the United States Army.**

**April 6, 1918. Letter Book 219, pp. 997-998**

B. F. Looney to President Robert E. Vinson:

I have yours of the 5th instant, which reads as follows:

"Dear Sir: The United States Department of War has requested the University of Texas to organize and maintain a training school for automobile mechanics for immediate service in the United States Army, and for the training of wireless operators and mechanics for approximately 2800 men at one time. In order to do this, it will be necessary for the Board to erect buildings and otherwise provide accommodations and equipment for this work. Through the kindness of the last called session of the Thirty-fifth Legislature and of the

cordial co-operation of the Adjutant General I have secured the use of the state grounds at Camp Mabry for this purpose, and have called a meeting of the Board of Regents of the University, at the direction of the Chairman of the Board, for Monday, April 8, at 10 a. m., in order to arrange to finance the undertaking. Will you be kind enough to give me your opinion as to whether the Board of Regents of the University is authorized, under the Constitution and the statutes of the state, to use the Available Fund of the University as appropriated by the Legislature for the biennium, September 1, 1917, to August 31, 1919, for the above named purpose? It is contemplated that the United States Government will pay tuition for the men instructed in this school at such rate as may be agreed upon by the War Department and the Board of Regents.

"I should appreciate very much the courtesy of a reply in time to present your opinion to the Board of Regents at its meeting on Monday, April 8, and shall be glad to send a special messenger to your office on Saturday afternoon to deliver your reply to my office."

Referring to the above, I beg to say that in our conversation yesterday in this office, in which Mr. Cureton, my first assistant, participated, you made substantially the same statement to us verbally that is set forth in your communication, copied above.

We discussed the matter loosely and in a general way, but reached the conclusion and so told you, that we could find no legal objection to the arrangement, and, in reply to your communication above, I beg to re-affirm this opinion.

I cannot, however, within the few hours I have to prepare an opinion, write one that I care to issue as a legal opinion of the department. You will understand, of course, that it is one thing to mentally form an opinion on a law question and quite another thing to write a legal document logically and authoritatively sustaining the opinion. Appellate courts often take months to prepare and hand down opinions on questions of less complication.

So, under the circumstances, I will do no more than re-affirm, by simple statement, my conviction that what you seek to accomplish may be legally done by the Board of Regents, in the manner indicated.



**DECISIONS OF THE SUPREME COURT****ENCYCLOPEDIA DIGEST OF TEXAS**

Edited by Thomas J. Michie, 1910

Vol. 14, pp., 633-634

**H. UNIVERSITY LANDS AND ENDOWMENT**

The state holds University lands as trustee, and patents issue to purchasers upon payment of the purchase money. *Saunders v. Hart*, 57 Tex. 8.

**Payment of Purchase Price**—Under act 1874, which requires each applicant for the purchase of state lands to pay one-tenth of the price at the time of making application, an application unaccompanied by such cash payment confers no title on the applicant. *Wanke v. Foit*, 80 Tex. 591, 16 S. W. 329.

A tender of such cash payment by the applicant's vendee six years after the application does not validate the application. *Wanke v. Foit*, 80 Tex. 591, 16 S. W. 329.

Act March 6, 1875, which provides that settlers on certain state lands shall not be compelled to pay the amounts due thereon until the termination of a certain suit, applies only to the deferred payments, and not to cash payments required with each application. *Wanke v. Foit*, 80 Tex. 591, 16 S. W. 329.

On failure of the first purchaser of University lands to comply with the act under which he bought or the act of March 4, 1875, the land becomes subject to purchase by the occupant, but only to the occupant. *Parker v. Brown*, 80 Tex., 555, 557, 16 S. W. 262.

Act March 4, 1875 (Gen. Laws 1875, p. 60), for the relief of purchasers of the university lands under act August 30, 1856, who had failed to comply with their contracts, provided that if a purchaser should fail to pay the amount due on, or before May 15, 1875, his purchase should become void, and his rights become forfeited, and that then the occupant of the land might acquire title, etc. Plaintiff, having purchased the land in question under the act of 1856, and failed to pay the amount due before May 15, 1875, attempted on May 22d to purchase under the act of 1875, but he was not then an occupant of the land. Held, that he acquired no right under his purchase, and, the former sale having become void, on his failure to pay, the land was subject to purchase, under act April 1, 1887. Gen. Laws, p. 83. *Parker v. Brown*, 80 Tex. 555; 16 S. W. 262.

**Right to Purchase Money Under Contract.**—As against occupants of university land, purchaser of which has failed to comply with law, state only has right to purchase money under contract. *Parker v. Brown*, 80 Tex. 555, 16 S. W. 262.

**Endowments.**—The sole purpose of act April 10, 1883, Laws 18th Leg. c. 72, p. 71, providing that after the debts provided for in the act of February 23, 1883, have been paid from the state's half of the proceeds of the sales of the lands therefore made or thereafter to be made, the proceeds of one-half of the remainder not to exceed two millions of acres, should be set apart for the permanent endowment of the university of Texas, the other one-half of such remainder to go to the support of the common schools as provided in all the previous acts, was to endow the university with one-half of the net proceeds of the sale of two millions of acres of land in the reservation, provided that quantity should remain after the payment of the debts provided for in the former act passed at the same session; and if not, then one-half of the proceeds of so much as should remain. *Snyder v. Compton*, 87 Tex. 374, 28 S. W. 1061.

## DIGEST OF DECISIONS OF THE APPELATE COURTS

By Edmund Samson Green

Vol. 4, Sections 268-269, Cols. 9386-9387

### E. UNIVERSITY LANDS AND ENDOWMENT

#### §268. In General.

(a) Party who never made one-tenth cash payment provided in act of 1874, regarding sales of university lands, is not purchaser, and cannot sue to recover land.—*Wanke v. Foit*, 80 Tex. 593, 16 S. W. 329.

(b) Act of March 6, 1875, for relief of settlers on University lands, contemplated only deferred or credit payments, and did not operate prospectively and render first cash payment unnecessary.—*Wanke v. Foit*, 80 Tex., 593, 16 S. W. 329.

(c) On failure of first purchaser of university lands to comply with act under which he bought or act of March 4, 1875, land becomes subject to purchase by occupant, but only to occupant. *Parker v. Brown*, 80 Tex. 557, 16 S. W. 262.

(d) As against occupants of university land, purchaser of which has failed to comply with law, state only has right to purchase money under contract. *Parker v. Brown*, 80, Tex. 557, 558, 16 S. W. 262.

**Sec. 269. Endowment**

(a) Act of April 10, 1883, entitled "An act to provide for permanent endowment of" state university had for its sole purpose endowment of university with one-half net proceeds of two million acres in reservation, provided that quantity should remain after payment of debts provided for in act of February 23, 1883. (Laws, 1883, p. 15.) *Snyder v. Compton*, 87 Tex. 379, 28 S. W. 1061.

## REPORTS OF THE COMMISSIONER OF THE GENERAL LAND OFFICE

[The statistical portions of the reports are summarized in Tables XX and XXI.]

### Report for 1875-1876 by J. J. Groos

[Exhibit F, p. 12, gives the acreage by counties of the 50 leagues of the Act of 1839. See report for 1877-78, below.]

### Report for 1876-1877 by J. J. Groos, p. 4

"This county (Greer) contains about 1600 square miles, or 1,224,000 acres; and as its lands are probably of a better character than any of the other vacant lands, it should be reserved and set apart to constitute a portion of the three millions of acres reserved for the construction of a new capitol, or the million acres set apart for the endowment of the University of Texas."

[Exhibit F, as above.]

### Report for 1877-1878 by W. C. Walsh, p. 19

#### EXHIBIT F

#### University Lands

Acreage of the original 50 leagues by counties: Cooke, 22,218 acres; Fannin, 39,520 acres; Grayson, 72,700 acres; Hunt, 7,544 $\frac{1}{4}$  acres; Collin, 2,582 $\frac{3}{4}$  acres; Lamar, 12,146 acres; McLennan, 41,193 acres; Shackelford, 17,420 acres; Callahan, 4,582 acres. Total, 219,906 $\frac{1}{2}$  acres.

### Report for 1878-1880, by W. C. Walsh

#### UNIVERSITY, ASYLUM, AND SCHOOL LANDS, p. 5

The State, now, has on the market 219,906 acres of University Land, 407,615 acres of Asylum Lands, and nearly 30,000,000 acres of School Lands. The sale of these lands under the present system of deferred payments and interest, is assuming such proportions as to call for a prompt remodeling of the present plan, and a consolidation of the entire business into one bureau. This, of necessity, must be connected with this office, as here alone can access be had to the maps, archives and records, but its chief should be an independent bonded officer, who should make his settlements directly with the



Treasury, and leave to the Land Office proper the business of mapping, patenting, etc. The present system is cumbersome and imposes more work on the Treasury and Land Office each, than under an amended plan, would devolve upon the proposed bureau.

#### UNIVERSITY LANDS—NEW, p. 6

Title LXXXI, Chapter 1, Article 4022, 4030, Revised Statutes, required the Commissioner of the General Land Office to appoint a surveyor or surveyors, to locate and survey, in sections, one million acres of land for the University of Texas. No provision was made for advertising for competitive bids, nor was the compensation fixed. To have appointed a surveyor, and paid the usual legal fee, would have made the cost of this survey nearly twenty thousand dollars. In the absence of such specific legislation, I invited, by private letters, proposals for the work from several parties, whose returns to this office indicated their fitness. Ten bids were received, ranging from ten dollars down to four dollars and twenty-five cents per section. This last was the bid of Messrs. C. W. Holt and A. W. Thompson, practical surveyors, and to them I awarded the contract.

They gave a bond of ten thousand dollars, and entered into a contract similar to the one required of the contractor for surveying the Capitol land; and further obligated themselves to pay an agent, appointed by me, to examine and reject any unsuitable land, and who should make a sworn report upon the character of the soil, water, timber and grasses on the land surveyed. The contract was faithfully executed, and field notes, maps and report are on file in this office. These surveys are situated in Tom Green, Pecos and Crockett counties, and embrace the best land procurable at the time.

[Exhibit F as above, p. 22.]

#### Report for 1880-1882, by W. C. Walsh

##### TO THE UNIVERSITY AND ASYLUM LANDS (p. 8)

may be applied, with equal force, the suggestions relating to public school lands. The one million acres of university land, situated in Tom Green, Crockett, Pecos and Presidio counties, might be yielding a considerable revenue if there were any authority for their lease. These lands are now largely occupied by sheep and cattle, and the owners of these herds have repeatedly written for information as to the mode of getting control of them, either by lease or purchase.

#### Report for 1884-1886, by W. C. Walsh

##### UNIVERSITY LANDS (p. 10)

amounting to one million acres, were surveyed under authority of

an act of April 10, 1883, upon what was then supposed to be the best of the vacant land reserved by former act. Subsequently, in the adjustment of the Texas and Pacific eighty mile reserve and correction of surveys, good pasture lands were discovered in El Paso county, superior in every respect to much of the first selection. On learning these facts I consulted with the Regents, and through them arranged for the survey of sufficient of this land to replace what was found of the original survey to be sandy and in conflict. This work has now been completed and maps and field notes of the blocks returned and filed in this office. It might be well for the Legislature to confirm this exchange and restore the rejected portions of the first survey to the reserve.

All the land of both surveys is included in the reserve, not subject to location, and therefore the suggested legislation would only be a selection.

**Report for 1886-1888, by R. M. Hall**

**SCHOOL, UNIVERSITY AND ASYLUM LANDS, p. 4**

The Act of April 1, 1887, providing for the sale of the school, University and Asylum lands, and for the lease of such lands and of the public lands, took effect on July 4, 1887, entailing upon this department a vast increase of labor, care and responsibility. The results of its operation thus far are briefly set forth in exhibits "E" and "F."

The requirements of the law that these lands be carefully classified and appraised before they could be offered for sale necessitated a virtual suspension of sales for some months. In fact not yet has the classifications been sufficiently advanced to meet all demands for purchase. While the law seemed to contemplate and provide for the classification only of such lands as were in demand for immediate purchase, it was discovered, in the very inception of this work, that it was impossible to determine which lands were in such demand. It was also evident that the work could be done more economically by being done systematically. Hence the classifier was directed to complete the particular district to which he was assigned. This necessitated the employment of a large number of men in order to meet the wants of every section of the State with as little delay as possible. Up to this date about three-fourths of these lands have been classified and placed up on the market; and by the end of this year not less than twenty-five million acres will have been offered for sale.

**LEASES, pp. 5-6**

Of the two million acres belonging to the University fund, only 77,437 acres are leased, being a little more than one-thirtieth of the

whole, while of the school lands, more than one-fifth are under lease.

It is desired to call social attention to this, inasmuch as it is evident that without some modification of the terms of the lease of the University lands, very little revenue will be derived therefrom. Extraordinary exertions have been made to effect the lease of these lands under the present law, but up to this time the results are far from satisfactory. The amount of school lands leased, compared to that of University lands, presents a contrast which will not be understood by the public without some explanation. It is perfectly plain, however, when the circumstances are given, that these results were inevitable.

The school lands alternating with other lands were leased largely by the owners of these alternates. When the present law took effect, the school lands, to a great extent, were occupied by established ranches, whose owners leased promptly. Most of these lands were also in reach of population and sufficiently watered for immediate and profitable use for stock-raising. With the University lands, the conditions are totally different. They are located in large bodies and in solid blocks, so that the lessee is compelled to pay for the whole area appropriated to his use, instead of the half as in the case with school lands. The University lands are without permanent water, and for the most part too distant from water to be utilized. They are also remote from population. Thus the school lands offering superior inducements and attractions and being more than sufficient to supply all immediate demands to lease, it is readily perceived that under the present conditions other results could not reasonably have been expected.

At present, there seems to be no demand for the purchase of University lands. Therefore, in order to utilize them for the purpose for which they have been segregated, it is necessary to adopt one of two plans, viz: Either the rental must be reduced and the term of lease extended sufficiently to induce private parties to develop water and otherwise put these lands in shape for use, or else the State must provide the water necessary to make them profitable and available at the price now fixed by law. The latter plan is not desirable, even if feasible at all with safety to the State; hence it is with confidence that the recommendation is made, that the rental of the University lands be reduced to 3 cents per acre per annum, and the maximum term of the lease extended to ten years. Another solution still is to place these lands in the care of the University authorities. The regents of the University are gentlemen in whose hands the interest of that institution would doubtless be entirely safe. A careful consideration of this matter may suggest the wisdom of placing the University lands under such control, by the issuance of patents to the Regents and their successors in office. If this is done,

however, the rights of actual settlers who have settled upon and improved any of these lands with a view of availing themselves of the provisions of existing laws, should be provided for most amply. Certain of these lands have been occupied for years by settlers who are awaiting the determination of question of title. Such settlers should be allowed to purchase upon such terms as, reasonably, they had a right to expect at the date of their settlement.

"It is clearly against good public policy, that any one should be allowed to appropriate to his own exclusive use lands belonging to the State without paying for the same. One object of the lease law is to prevent this. But it is proper, perhaps, to admit that the chief object of the lease of the public lands is revenue. It is within the province of statesmanship to inquire into the workings and effect of the law up to this time, with a view of safely determining whether or not the interest of the whole people and the prosperity of the State may not be advanced by some modification of the same. From experience as stated above, it is demonstrated that a reduction of price and extension of term is necessary to secure the lease of University lands."

[Much the same material is to be found in a letter of Commissioner Hall to Chairman Waggener, June 18, 1888. Faculty Report, Session of 1887-88, p. 30.]

[Exhibits E and F, p. 14, give the amounts of University land sold and leased during 1886-88.]

#### **Report for 1888-1890 by R. M. Hall, pp. 5-6**

. . . . for, just as two years ago the University lands seemed to be in no demand for purchase. As stated in my former report, these lands were removed from water and are located in the most arid portion of the State.

The recommendations made by me two years ago that the lease price of these lands be reduced to three cents and the term of the lease extended to ten years was adopted by the Legislature. The wisdom of their action is now being demonstrated. Exhibit K shows that there are now leased of the University lands nearly four times as much as two years ago, and recently the indications have been that the demand for these lands are increasing, and it is hoped that before another season passes as large or a larger proportion of these lands than of the school lands will be paying a revenue to the State.

. . . . .  
The Act of April 8, 1889, provided for the lease of the unorganized county school lands. Exhibit K shows that of these the State is now receiving a revenue from half a million acres. The law gives the revenue derived from this source to the common schools.



In consideration of the present necessities of the University, and in consideration of the fact that the revenue from the unorganized county school land would only last for a short time, because they are being patented rapidly to new counties, I would suggest that the above recited act be so amended as to give to the University the revenue derived from this class of lands. The amount received is a small item for the common schools, but to the University would afford great relief. It is hoped that in one or two years more the University will be deriving from her own lands revenue enough for purposes of current expenditure.

[Exhibits H, I, J, K contain the acreage sold or leased of University lands.]

### **Report for 1890-1892 by W. L. McGaughey**

#### **RECOMMENDATIONS, p. 6**

First. School, University and Asylum lands sold under Acts of April 24, 1874, July 8, 1879, and April 6, 1881, require judicial proceedings to forfeit. As there are many claims sold under the above acts upon which only one or two payments have been made and the State deriving no benefit, whatever, I recommend that an appropriation be made to defray the expenses of instituting suits for forfeitures.

Second. . . . I . . . recommend that purchasers of school, University and asylum lands, purchased under [the Act of April 1, 1887], be exempted from taxation for three years next succeeding their purchase.

. . . .

[Exhibits A, C, F, G, H, and K, pp. 7-12, give the leases, forfeitures, sales, and unsold acreages of "University and asylum" lands.]

### **Report for 1892-1894 by W. L. McGaughey**

#### **SCHOOL, UNIVERSITY AND ASYLUM LANDS, pp. 5-6**

Under an act of the Legislature, which took effect as a law July 4, 1887, and the acts amendatory thereof, approved April 8, 1889, and April 29, 1891, the School, University, and Asylum lands belonging to the State have been classified into dry and watered, agricultural, pasture, and timber lands, appraised, and placed on the market for sale but only to actual settlers, in quantities of not less than 80 nor exceeding 640 acres to each settler, except in cases where the land is classed as dry and purely pastoral when each settler will be entitled to purchase not exceeding four sections, or 2560 acres, or one agricultural and three dry grazing sections. These lands will

be sold at their appraised value, at not less, however, than \$2 per acre for dry, and \$3 per acre for watered. Timbered land will not be sold for less than \$5 per acre cash, or the timber alone may be sold at the appraised value, but at not less than \$2 per acre. At the date of this purchase, the settler will be required to pay to the State Treasurer one-fortieth of the aggregate purchase money (unless the land is classed as timbered, when he must pay the whole of the purchase money), and to place with the Commissioner of the General Land Office his obligation to pay to the State on the first day of November of each year thereafter, until the whole purchase money is paid, one-fortieth of the aggregate price of the land, with interest at the rate of 5 per centum per annum on the whole unpaid balance of such purchase money. If he fails to make the annual payment of interest in compliance with his obligation, he thereby forfeits his claim to the land and all payments thereon previous to such failure. He also will be required to obligate himself to occupy as his homestead the land sold to him, during the three years next following the date of his purchase, and will be allowed at the end of the three years, on making proper proof of such occupancy, to pay in full for the land and receive a patent to the same, and such proof must be made within one year next after the expiration of the three years' occupancy. Some of the lands subject to sale under the acts mentioned can be found in nearly all the counties of the State. A statement of the classified and appraised lands of each county in the State is furnished the county clerk, which he is required to place on record in his office, and to have open to public inspection, showing the lands for sale in his county, the price at which each tract has been appraised and can be purchased, etc., and anyone will be furnished with all blank forms necessary to enable parties who wish to purchase any of the lands to properly apply for them.

[The usual statistics regarding the University lands are to be found scatteringly on pp. 9-17.]

**Reports for 1894-1896 and 1896-1898 by A. J. Baker**

[Contain only a few references to the University lands.]

**Report for 1898-1900 by Charles Rogan**

[Contains only an occasional reference to the University lands.]

**Report for 1900-1902 by Charles Rogan**

**UNIVERSITY LANDS, pp. 34-37**

Under the Act of Congress of the Republic of Texas, approved January 26, 1839, and an Act approved August 30, 1856, there were

surveyed for the State University 216,805 acres of land, situated as follows:

In what county situated	No. of acres
Collin .....	2,878
Cooke .....	21,820
Callahan .....	7,551
Fannin .....	35,967
Grayson .....	74,818
Hunt .....	8,252
Lamar .....	13,177
McLennan .....	34,541
Shackelford .....	17,801
Total.....	216,805

The Constitution of 1876 granted to the University, from the public domain, 1,000,000 acres. This land was surveyed for it by Barton and Thompson in 1879, and it is situated as shown in the following table:

No. of block	No. sections	County situated
1 and 2	36 each	Tom Green and Upton
3 and 4	36 each	Upton
5	36	Crockett and Upton
6	36	Upton and Tom Green
7	35	Crockett and Tom Green
8, 9, 10, 11	36 each	Tom Green
12	36	Crockett and Tom Green
13	9	Crockett
14	20	Crockett and Upton
15	18	Upton
16	36	Pecos
17	12	Pecos
18	36	Pecos
19	20 $\frac{1}{2}$	Pecos
20	14	Pecos
21	22	Pecos
22	18	Pecos
23, 24	36 each	Pecos
25	12	Pecos
26	24	Pecos
27	14	Pecos
28	7	Pecos
29, 30, 31	36 each	Crockett
32	18	Crockett
33	20	Crockett

No. of block	No. sections	County situated
34	24	Pecos
35	36	Pecos
36	12	Pecos
37	24	Pecos
38, 39	30 each	Crockett
40, 41	30 each	Crockett and Irion
42	24	Crockett
43	25	Crockett, Tom Green and Irion
44	25	Crockett
45, 46	30 each	Crockett
47	25	Crockett
48	25	Crockett and Tom Green
49	15	Crockett and Tom Green
50	15	Crockett
51	18	Crockett
52	25	Crockett and Schleicher
53, 54	25 each	Schleicher
55	25	Crockett and Schleicher
56	23 ½	Crockett and Schleicher
57	25	Schleicher
58	32	Tom Green and Upton

---

Total.....1,539

From the above statement it is shown that there was not surveyed for the University enough land by 15,040 acres.

An Act approved April 1, 1883, authorized the survey for the University of another 1,000,000 acres from the public domain. The contract for making the survey under this act was let to two surveyors, viz: Mr. O. W. Williams and Capt. Dennis Corwin, who made returns of their work to the Commissioner of the General Land Office in 1886.

Their reports show that if either of them did any surveying at all it was by running only certain base lines. Their report shows a survey of this land into blocks containing a number of sections, but there are no field notes for each of these sections or blocks and no established corners. I am at a loss to know why such a report of what was evidently a chimney corner survey of so much land, and of such great importance both to the University and to the State, would be received and filed by the Commissioner, much less to give the same his approval by causing a plat thereof to be made on the official maps. Until this land is properly surveyed and sectionized, the boundaries of the several blocks definitely located on the ground, and field notes written and filed for each of the sections, showing where all the monuments on the ground have been established, it



is going to be a constant source of annoyance to the University authorities. And until a proper survey is made and such field notes are written and filed none of this land can ever be sold or patented.

The blocks purported to have been surveyed and sectionized by Mr. O. W. Williams are situated and described as shown in the following list:

No. block	No. section	County
A, B, D, E, F, G, H, J, K, L	48 each	El Paso
C	54	El Paso
I	24	El Paso
M	90	El Paso
N	60	El Paso
O	16	El Paso

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Total.....724

Returns made by Capt. Dennis Corwin of land surveyed by him show it to be described and situated as shown in the following list:

No. block	No. section	County
1	38	Andrews
2	9	Andrews
3	15	Andrews
4, 5	42 each	Andrews
6	49	Andrews and Martin
7	43	Andrews and Martin
8	18	Andrews
9	48	Andrews
10, 11, 12	36 each	Andrews
13	48	Andrews
14	26	Ward
16	36	Ward
17	41 ½	Ward
18	42	Ward
19	28	Loving
20	48	Loving and Winkler
21	48	Winkler
30	48	Crane and Upton
31	48	Crane
35	14	Crane and Ector
46	48	El Paso
48	24	El Paso

---

Total.....911 ½

According to the above showing the total number of acres surveyed by Messrs. Williams and Corwin amounted to 1,087,152 or 87,152 acres more than was authorized by the Act of 1883. The quantity of land shown to have been granted to and surveyed for the University by virtue of the authority hereinbefore cited, and as described in the foregoing lists, is that reported free from conflict. The reports show a much greater acreage surveyed, but all that in excess of the total amount stated in the recapitulation below is in conflict with older surveys. Neither is the amount supposed to be in conflict with an old Spanish grant, Block L, situated on the Rio Grande in El Paso County, included in the total amount shown.

#### Recapitulation

Surveyed under Acts of 1839 and 1856.....	216,805 acres
Surveyed by authority of the Constitution.....	984,960 acres
Surveyed under Act of 1883.....	1,087,917 acres
<hr/>	
Total.....	2,289,682 acres

#### Report for 1906-1908 by J. J. Terrell

##### LA PRIETA GRANT—LAND FRAUDS, p. 7-8

##### Is this a valid grant?

If it is not, that should be known; if it is, its validity should be established. There is no evidence of its existence among the archives of this department. It embraces 325 leagues, or 1,439,100 acres, in El Paso county, and covers school land, University land, and private land. A letter addressed to the Governor of Chihuahua, Mexico, brought a reply that no record of this grant was found among the archives at Chihuahua. In an abstract of title now in circulation, the boundaries of the grant are given . . . . The abstractor's certificates . . . . are given as "The Empire Title Insurance Company by James R. Smith" . . . . County of Harris. One who claims to know reports that there is no such abstract company in Harris county . . . . Under this abstract operators are selling section so and so, block so and so . . . . If the law is not sufficient to reach those who deal fraudulently in land, it should be so made.

#### Report for 1908-1910 by J. T. Robison

##### LA PRIETA LAND GRANT, p. 11-12

[Quotes from the 1906-08 Report and proceeds as follows:]

This was a matter of such importance that it was deemed proper that some investigation be made. Accordingly, I went to Mexico in

the early part of the summer of 1909. The authorities of our sister republic extended every courtesy and rendered much assistance in the investigation. The cities of Juarez, Chihuahua, Durango, City of Mexico, Guadalajara, Torreon and Zacatecas were visited and records examined. Nothing was found which relates to this grant.

. . . . If it is a good title it ought to be established. If there is no title that fact should be known, and those dealing with it should be stopped from placing additional clouds upon the State school land and University land.

**Report for 1912-1914 by J. T. Robison**

**UNIVERSITY LAND, pp. 12-13**

The University and A. and M. College have about 2,000,000 acres of unsold land. It is situated in the counties of Andrews, Crane, Crockett, Culberson, Gaines, Dawson, Ector, El Paso, Irion, Loving, Martin, Pecos, Terrell, Schleicher, Reagan, Upton, Ward, and Winkler.

This land is leased for stock grazing purposes. From it last year the receipts were \$152,929.09, according to remittances made to this Department, or an average of a fraction more than seven and a half cents per acre. This may be used for the current expenses of those institutions, and it is the only source of revenue with which to provide buildings for the University. The Constitution demands the Legislature to provide for the sale of this land. It is understood the reason the Board of Regents for the University has not heretofore provided for the sale is because the interest rate carried by the securities in which the proceeds may be invested under the law is so low that sales would not be so profitable as leases. In this connection it may be stated that I have been over most all of this land and it is my opinion it could be sold for such a price under the present system of selling school lands that the cash payment could remain in the Treasury uninvested and the interest-bearing notes given for the balance of the purchase price would bring more revenue to those institutions than is now obtained under the lease system. In addition to this, the land would bring taxes to the counties of the State and afford homes of one section (640 acres) each to 3,125 homeless families.

Another tentative suggestion may be indulged relative to the disposition of the University land, even though that may involve an amendment to the Constitution, namely: Let the State capitalize these 2,000,000 acres at, say five dollars per acre, and take them over as State land in exchange for the State's bonds for \$10,000,000.00 bearing, say ten per cent interest. This would produce a revenue of \$1,000,000.00 annually. It should be provided that this

sum could be used for either current operating expenses of the two institutions or for the erection of buildings. To do this the State would not have to pay out a dollar for the bonds.

In this manner the State could take over the University land and sell it on long time to homeless families. The proceeds from the sale, after the State had taken over these lands, could be appropriated to any purpose that might seem wise to the Legislature. If it were given to the University and A. and M. College fund, that, together with the interest on the bonds, would give each institution about \$600,000.00 for each year, if it were divided equally between the two. One may say that sum and that rate of interest would be more than the land is worth. The answer to that suggestion is this: Since the State has to support these schools by taxation, what difference does it make how the money is obtained if it is fair and legitimate, and besides, in this manner the biennial political row over appropriations for these schools would be largely eliminated.

However, the matter of disposing of the funds is merely incidental to the main consideration of selling the land. While the State and private parties have a right under the law to hold large bodies of land, it is not believed to be good policy for either to do so. An individual has the same right to hold land for enhancement in value because of a neighbor's industry that the State has to hold land or to permit it to be held for the benefit of an institution.

To withhold these lands from sale so that they will yield no taxes is an injustice to the citizenship of the counties in which they are located. So long as the land is not sold justice to the counties demands that the leases should be taxed for county purposes, to somewhat compensate for the increased tax rate which must be levied upon their property in order to make up for the untaxed University land. In some counties this increased rate is a bit burdensome.



## REPORTS OF THE COMPTROLLER OF PUBLIC ACCOUNTS

[These reports contain tabular bookkeeper's statements of receipts, disbursements, and balances. See Tables XVII, XVIII for systematic summary.]

Report for	Tabular statements
1858-1859	University Fund, pp. 3, 4
1860-1861	University Fund, pp. 5, 6, 7, 18.
1863-1866	University Land Sales, pp. 6, 7, 14, 15
1867-1869	University Fund, pp. 12, 13, 64, 65; University Land Sales, pp. 14, 15, 64, 65.
1869-1870	University Fund, pp. 42-43; University Land Sales, pp. 44-45.
1870-1871	University Fund, p. 14, University Land Sales, p. 14.
1871-1872	University Fund, pp. 8, 9; University Land Sales, pp. 8, 9.
1872-1873	University Fund, pp. 16, 17; University Land Sales, pp. 16, 17.
1873-1874	University Fund, p. 26; University Land Sales, p. 26, Special Report.
1874	Doubtful Assets, University Fund, p. 3.
1874-1875	Debt of Doubtful Validity University Fund, p. 4, Special Report.
1875-1876	Doubtful Accounts, p. 8, University Land Sales, p. 21, University Fund, p. 23.
1876-1878	University Fund, p. 14; University Land Sales, p. 12.
1879-1880	University Fund, pp. 3, 4, 30; University Land Sales, pp. 11, 30.
1880-1882	University Permanent and Available Funds, Land Sales, and Expense Account, pp. 3, 3, 2, 3, 7.
1882-1883	University Permanent and Available Funds, p. 16; University Expense, p. 18.
1883-1884	University Permanent and Available Funds, p. 14.
1884-1886	University Permanent and Available Funds, pp. 7, 6.
1886-1887	University Permanent and Available Funds, p. 5.
1887-1888	University Permanent and Available Funds, p. 5.
1888-1889	University Permanent and Available Funds, p. 5.
1889-1890	University Permanent and Available Funds, p. 5.
1890-1891	University Permanent, p. 5; Available, pp. 5, 30.
1891-1892	University Permanent, p. 6; Available, pp. 6, 38.
1892-1893	University Permanent, p. 6; Available pp. 6, 40.
1893-1894	University Permanent, p. 6; Available, pp. 6, 35.
1894-1895	University Permanent, p. 6; Available, pp. 6, 33.

Report for	Tabular Statements
1895-1896	University Permanent, p. 5; Available, pp. 5, 36.
1896-1897	University Permanent, p. 5; Available, pp. 5, 35.
1897-1898	University Permanent, p. 5; Available, pp. 5, 6, 36.
1898-1899	University Permanent, p. 5; Available, pp. 5, 6, 38.
1899-1900	University Permanent, p. 5; Available, pp. 5, 6, 36.
1900-1901	University Permanent, p. 6; Available, pp. 6, 7, 36.
1901-1902	University Permanent, p. 22; Available, pp. 22, 23, 53.
1902-1903	University Permanent, p. 7; Available, pp. 7, 8, 39.
1903-1904	University Permanent, p. 24; Available, pp. 20, 33, 35.
1904-1905	University Permanent, p. 11; Available, pp. 7, 29, 22.
1905-1906	University Permanent, p. 17; Available, pp. 13, 22.
1906-1907	University Permanent, p. 9; Available, pp. 5, 14, 20.
1907-1908	University Permanent, p. 9; Available, pp. 5, 14, 19.
1908-1909	University Permanent, p. 8; Available, p. 8.
1909-1910	University Permanent, p. 23; Available, pp. 25, 26.
1910-1911	University Permanent, p. 27; Available, pp. 30, 32.
1911-1912	University Permanent, p. 41; Available, pp. 45, 50.
1912-1913	University Permanent, p. 24; Available, pp. 27, 31.
1913-1914	University Permanent, p. 26; Available, pp. 29, 31.
1914-1915	University Permanent, p. 8; Available, pp. 10, 11.
1915-1916	University Permanent, p. 8; Available, p. 10.

#### Report for 1873-1874 by S. H. Darden

#### DOUBTFUL ACCOUNTS

There are several accounts carried upon the books of this department, the validity of which is doubtful: to determine which will require a legislative enactment. By referring to the statement of the State debt it will be observed that the State is chargeable to the State University Fund in the sum of \$134,472.26 covered by five per cent bonds. These bonds were issued under an act approved November 12th, 1866, as an indemnity for United States bonds and interest belonging to that Fund, and transferred to revenue account for the general purposes of the government in February, 1860.

. . . .

#### Report of 1879-1880 of S. H. Darden, p. 4

Attention is also called to the item \$10,300.41, in "Comptroller's Certificate of Debt," appearing to the credit of "University Land Sales Account." This certificate of indebtedness was issued to that fund by the Comptroller, W. L. Robards, June 8, 1865, in lieu of a like amount of State Warrants which had been paid in to the credit of that fund for the purchase of University lands, under act of December 13, 1863. These warrants were destroyed, and the in-

debtedness of the State to the University Fund recognized by the Comptroller, by the issuance of the Certificate of Debt.

This subject was mentioned in the annual report from this office for the fiscal year ending August 31, 1874, and in subsequent reports suggesting that some action be taken by the Legislature to determine the validity of the credit which appears to be a just claim upon the State in favor of the University Fund. Recognizing this debt and the further debt of \$134,472.26, reported as debt of doubtful validity, the Texas University Fund will have to its credit August 31, 1880, as follows, viz:

Five per cent State bonds.....	\$ 75,400.00
Six per cent State bonds.....	175,500.00
Seven per cent State bonds.....	63,000.00
Five per cent State bonds, quoted as of doubtful validity.....	134,472.26
Comptroller's Certificate of Debt.....	10,300.41
Cash .....	2,563.23
Total.....	\$461,235.90

The above \$134,472.26 were twelve year bonds and matured January 1, 1879. Interest on these bonds to date of maturity—twelve years—amounts to \$80,683.35. If, however, interest is allowed from the date of maturity up to time of payment which would seem to be just, there would be to August 31, 1880, \$11,206.01 additional interest, making total interest on said bonds to August 31, 1880, \$91,889.36, which, added to the above \$461,235.90, would show to the credit of the University Fund, \$553,125.26. Of this amount, \$93,495.91 is interest on permanent fund, already on hand invested in bonds, and \$91,889.36 interest due on bonds quoted as of doubtful validity, making total derived from interest and therefore subject to appropriation, \$185,385.27. Recognizing this class of indebtedness heretofore quoted as of doubtful validity, with interest on same, the University Fund stands, August 31, 1880, as follows:

Principal .....	\$367,739.99
Interest .....	185,385.27

Should the above-named amounts of \$134,472.26, and \$10,300.41 due the University Fund, together with the \$82,168.82 due the School Fund, mentioned elsewhere, be recognized as valid debts, the bonds and certificate of debt representing the above amounts could be substituted by manuscript bonds for like amount and the interest due appropriated from the general revenue.

No mention is made here of the notes held by this fund for the sale of lands. The money derived from this source is invested as fast as paid into the treasury, thereby increasing from time to time both the permanent and available funds.

**REPORTS OF THE STATE BOARD OF EDUCATION AND  
OF THE STATE SUPERINTENDENT OF  
PUBLIC INSTRUCTION**

**Report [Second] of State Board for 1879-80, pp. 10-11**

Provision being made for elementary and high schools, the next and final and crowning work of our educationay system should be

**A STATE UNIVERSITY**

for which the fathers in their wisdom made ample provision. While this may not be deemed a subject for consideration or recommendation upon the part of the State Board of Education, yet so profoundly impressed is the board, of the importance of the subject, and of the necessity of immediate action in reference to the same, that it feels constrained to submit to the honorable Legislature some brief suggestions in reference to the matter. Assuming that the State will redeem her bonds issued Nov. 12, 1866, for \$134,472.26, borrowed from the university fund, for account of general revenue, we have for the establishment and support of an university the sum of \$558,745.53. In addition to this, we have 1,000,000 acres of university land, which, if leased at three cents per acre per annum, would yield an annual revenue of \$30,000.

The first question to be considered is: Have we sufficient funds to proceed at once to the establishment of an university? In no particular is the extravagance of the times more apparent than in the profitless expenditure of money in the erection of elaborately ornamented public institution of learning. It is verily giving *stones* instead of mental *food* to the children. We recognize the fact that grand and beautiful public buildings are both pleasing and instructive to the public taste, but the more important considerations in reference to the purpose of the building should not be made subordinate to architectural beauty, nor to a vain pride in a grand and imposing edifice. Brick and mortar, however beautifully wrought into towering and lofty columns, do not make an university.

It is the auxiliary appliances, such as apparati and libraries, and above all it is pedagogical talent that make an university attractive and successful. And in bidding for this professional talent we will come in competition with old and richly endowed literary institutions, hence highly remunerative salaries must be offered, which, owing to our limited funds, necessitates the observance of the most rigid economy in expenditures for a building.

In Germany and other portions of Europe, some of the best university corporations have no grand university building. Either ordinary apartments are leased for lecture rooms, or a lecture room



is provided for and made a part of the residence of each professor. If it should be deemed best to have a central or main university building, it is estimated that a building sufficiently commodious and substantial can be erected at a cost of \$150,000. For apparatus and library, which may and will be increased from time to time, there should be an original appropriation of \$80,000. For other purposes, such as the purchase of furniture and geological, mineralogical, botanical and zoological specimens, there should be an appropriation of say \$15,000. These estimates give as a total expenditure for the building and furnishing the same the sum of \$245,000.

The available university fund is \$185,385.27. This exceeds the estimated amount necessary for the construction of the building by \$35,385.

If the honorable Legislature should deem it advisable to inaugurate the enterprise, and should provide for its speedy completion, it would perhaps be three years from date before the building would be finished; in the meantime there will have been an accumulation of interest to the amount of \$76,000, which added to the \$35,385, our surplus of the building fund, gives \$111,385, which exceeds the estimated expenditures for the purchase of furniture and needful appliances by \$16,385. Three years hence it is estimated that the annual revenue from the permanent cash fund will be \$30,000; to this add \$15,000, estimated annual revenue from tuition fees, and we have for support of a faculty and for contingent expenses the sum of \$45,000, which it is believed would be sufficient to meet such expenses, at least for a few years.

Should we be able to lease our university lands at three cents per acre, this would give us an additional revenue for current expenses of \$30,000, and in that event the revenue from the fund would be sufficient to meet all expenses and obviate the necessity of raising revenue by charging tuition fees.

The second question to be considered in reference to this matter is: Do the educational interests of the State demand the speedy establishment of an university?

This question may be briefly and affirmatively answered by stating that not less than five hundred young men and young women go annually from Texas to seek superior educational advantages offered by the colleges and universities of other States. The pecuniary loss to the State from this source, to say nothing of the loss from the depreciating influence brought to bear on the sentiment of State pride, is not less than \$250,000.

Believing that sufficient funds are at the command of the honorable Legislature to justify the inauguration of this great work, and realizing the necessity for such an institution, the Board of Education respectfully and earnestly recommend such legislation

as may be deemed necessary for the early establishment and liberal maintenance of a university that shall be the pride and glory of our State.

O. M. Roberts, Governor and ex-officio President; John D. Templeton, Secretary of State; O. N. Hollingsworth, Secretary State Board of Education; Stephen H. Darden, Comptroller.

**Report [Fifth] for 1885-1886, by B. M. Baker**

• **SECONDARY EDUCATION. Pp. 12-13**

I believe that in this day the character of its public schools will determine how far a State has advanced in civilization. An intense desire for the ultimate success of the public schools of Texas makes me bold to call attention to a much mooted and very important subject. It has not yet been carefully considered by any Legislature so far as I know, but there is no reason for longer delay. The object of providing free tuition for the child is to fit him for intelligent citizenship; to enable him to participate in the privileges of a citizen and discharge the duties incumbent upon him as a member of society. It is rather a duty the government owes to itself than to the child. This added to the fact that without free schools a great number of the people would be reared in ignorance of the privileges and duties of citizenship I conceive to be the only argument in support of a free school system. Just how far the State should go in thus preparing a child is a question of much moment. Shall the line be drawn at what is commonly termed secondary education, or shall the high school, having in its curriculum the higher mathematics, the sciences, and Latin and Greek, be supported? Is the high school necessary to mould the character of citizenship mentioned? I believe not. A thorough knowledge of orthography, penmanship, reading, English grammar, geography, arithmetic, and English composition, I believe amply sufficient for the purpose indicated. A knowledge of the branches taught in the high school may better prepare one for advanced thought and exalted position, but they are not necessary to the performance of the simple duties appertaining to the citizen. If what is termed the higher education is bestowed at the public expense the poor as well as the rich are taxed to bestow it. The children of these poor seldom go through the high school, no matter if the tuition is free, because when ready for the branches taught in it they have arrived at the age of breadwinners and must work. Those who attend the high school are as a rule (and there are few exceptions to the rule), the sons and daughters of people who are so fortunate as to be able to educate their children at private schools. The high school therefore is in fact a school only for the fortunate few while the many are

taxed for its support. Drawing as it does largely from the school fund, its teachers being paid higher salaries than other teachers, the terms of the primary and intermediate schools are shortened and the State is debarred from the privilege of increasing the scholastic age. They thus keep out of the schools children under eight and over sixteen years whose education the State has made itself responsible for, and cause the government to fail to comply with the constitutional provision declaring that a term of six months shall be maintained. These are potent reasons against the maintenance of high schools, but they are not more potent than the simple one first stated: "the state does not owe the child the character of education they bestow."

Report [Sixth] for 1887-1888, by O. H. Cooper

THE UNIVERSITY OF TEXAS. Pp. 33-35

This institution, founded by the Republic, preserved and endowed by the successive constitutions of the state, and organized within the present decade, deserves well of the state. It opens the way to liberal education and to special training in some lines to the aspiring youth of the state, and, in so far as it holds up the true standard of education, tends to raise the general standard of culture and intelligence. The institution is still in its infancy, yet its good effect is already perceptible. As I said in the *International Review*, in November, 1880, before the University was organized: "Great results can not, indeed, be expected at once, for early growth, if wholesome and enduring, must be slow and gradual. The influence indirectly exerted in moulding public opinion, in elevating the standard of culture, and in unifying and invigorating the state system of public instruction, might be very great from the beginning; the more direct, deeper, and more abiding influence resulting from the training and loyal devotion of a large number of the best minds in the commonwealth, will come later and more slowly, but it will come. May we not hope that an institution so nobly endowed and so sacredly guarded as this has been by the State of Texas, will be so wisely organized, so ably administered, and so generously sustained, as to become not only an honor to the state, a blessing to the present and the future, and a strong aid to the progress of civilization, but also ultimately one of the foremost American universities?"

It cannot be doubted that the expected development of the university has been unnecessarily retarded by two causes: the mismanagement of its landed endowment, and the want of an executive head clothed with proper authority. The immense landed endowment of the university under the management of the state, which

has retained the control of the lands, although it had created a board of regents to control the institution, has been practically unproductive. The annual income from this source might have been at least \$50,000, if opportunities for lease offered several years ago had been accepted. It is difficult to comprehend the reasons for a policy which has thus robbed this institution of an income which its needs have imperatively demanded. Such a university as Texas needs and expects to possess, requires a large annual outlay, even after its buildings have been erected, its libraries supplied, and its laboratories and museums properly equipped. The annual income of the University of Virginia is nearly one hundred thousand dollars, that of the University of Michigan is more than two hundred thousand dollars. Virginia appropriates thirty thousand dollars a year from the general revenue to support its university, and Michigan gives fifty thousand dollars annually to its state university. Yet these institutions have extensive buildings, ample libraries, splendid museums, and all the costly equipments needed by great institutions; while almost any one of the twenty or more buildings belonging to Yale or Harvard has cost more than the whole of the University of Texas. The policy of negative interference pursued by the state toward this institution must be abandoned, if we are ever to build up a real "university of the first class."

A grave defect in the law organizing the university was the absence of a provision for an executive head. No university of the highest order has been built up in America which was not largely the work of the guiding and inspiring mind of its head. The University of Virginia is not an exception, for it was moulded and fashioned by Thomas Jefferson, who though not the nominal, was yet the *real* head, of the institution, and the University of Virginia is the only institution of the highest class in this country which did not have in its early years *an actual* president. As was said in 1880: "The first president of the University of Texas should be pre-eminently an organizer. He should be conversant with the best systems of university organization in Europe and America. He should be alive to the growing demands which the present age is making for higher culture, and be able to so arrange the work of instruction as to fulfill the just expectations of an enlightened public opinion. He should also be familiar with the needs of the state, and in full accord with the state system of public instruction, of which the university should be the strongest support and the chiefest glory."

It can not be doubted that the want of such an officer has greatly retarded the development of the University of Texas. And such, I believe, is also the opinion of the members of the Board of Regents.



The Agricultural and Mechanical College, the technical branch of the university, has been generally fostered by the State, and is now better equipped than the university proper. It is doing excellent work, and is an invaluable element in the development of the state. The prosperity of this institution is doubtless in a large measure due to the appropriations for its necessities made from the general revenue; and this fact indicates the desirability of appropriations from this source to the main university at Austin. This institution requires additional room, several important professorships, and a large increase in its library, and provision should be made now for the amount necessary to complete the main building.

Faculty Report for 1886-1887, pp. 125-165.

[This faculty report seems never to have been printed separately.]

Regents' Report to the Board of Education, pp. 121-124; 314-331.

#### Report [Seventh] for 1889-1890, by O. H. Cooper

#### HIGHER INSTITUTIONS. Pp. vii, viii, xxv

Two of the higher institutions of learning established by the State are required by law to report to the State Board of Education. These are the University of Texas and the Sam Houston Normal Institute.

To both of these institutions generous grants in money have been made by recent legislatures, and they have thus been enabled to increase their buildings and improve their facilities. The attendance of students in both of these institutions has steadily increased; the University enrolled 307 last year, and the Sam Houston Normal Institute 313, the last being the highest enrollment yet attained by any of our State institutions.

. . . . .

The defects in the organization of the State University become more and more manifest as the institution grows. They can easily be remedied by increasing the number of the Regents and providing for a Chancellor or President. . . . .

Graduates of the foremost institutions in the country who desire to teach in our public schools, as well as teachers of long experience and high culture are compelled to accept annual certificates, which fail to indicate their real standing in their chosen profession. The result is that many of our best teachers are driven out of the work of which they would be the brightest ornaments. In this connection, it is suggested that a chair of pedagogy in our State University would be useful to the profession of teaching in the State. We should have some institution in the State which would

prepare high school teachers and scholarly county and city superintendents. Most State universities realize the value of pedagogical training and make provision for it. Such a chair well filled would attract many students of the highest character to our University.

Faculty Report, session of 1888-1889, pp., 93-114.

Regent's Report, Receipts and Disbursements, pp., 114-135.

Faculty Report, 1889-1890, pp., 255-279.

**Report [Eighth] for 1891-1892, by J. M. Carlisle**

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It affords me pleasure to refer to the University of Texas, as a magnificent school of liberal education, to say nothing of its professional schools, and to commend the wise management and comprehensive work of this great institution. The policy of approving certain of the public high schools, admitting graduates therefrom to the University without examination, is to be warmly endorsed.

In this way the University is most happily connected with the other branches of the public school system of which it is designed to be the crowning glory. Thus the youth of Texas, while receiving instruction the State undertakes to afford them, as a necessary means of self protection and future security, are encouraged to prepare themselves for that deeper, broader, larger culture to which the University invites them. It is proper in this connection to call attention to the report of the Board of Regents, and to express the pleasure it affords me to say that the University is steadily growing in public confidence, extending its facilities, and increasing its usefulness. Last year the Department of Medicine was opened at Galveston, and the School of Pedagogy added at Austin. It is hoped that the Legislature will continue to deal with this institution in that broad and patriotic spirit that has made possible its present development and prosperity.

Extract giving receipts and disbursements for 1890-91 from the Regents and Faculty report, pp. 163-164.

Report of the Board of Regents for 1892 to the State Board of Education, pp. 563-586. This report contains the material also to be found in the Regents and Faculty reports of the same date.

**Report [Ninth] for 1893-94, by J. M. Carlisle**

**HIGHER STATE INSTITUTIONS. Pp. xxx-xxxi**

Elsewhere I have noted the great success and remarkable growth of the Sam Huston Normal Institute. I need not here repeat what is there said.

The University of Texas is enjoying a prosperous year. The

attendance upon all of its departments shows a marked increase, as is shown by the following comparison: The enrollment in the Main University is at this time, the middle of the school year, twenty-five per cent larger than it was for the whole of last year. The enrollment in the Main University and the Medical Department is at this time thirty-nine per cent larger than it was for the last school year. The University is growing in efficiency and public favor. But there is practical unanimity upon the proposition that the University should have an executive head, a president elected by the Regents and clothed with the powers necessary to the proper administration of the affairs of the University. This is necessary to insure the highest success in University work.

It is further agreed that the University must have increased revenues. It is understood that the Regents will ask the Legislature to levy a small State tax for the support of the University. I believe that something of this kind is necessary, and the measure proposed has proved to be very satisfactory in some other States where it has been tried. Hence, I wish to give it my endorsement. No tax payer would be burdened by the tax, and the benefits to the State in thousands of unseen forms would multiply with increasing years, until the influences of the University would reach and help every section and interest and citizen of the State. Civilization and education are above price.

I have been pleased to note that the Regents and the Faculty have continued and broadened the policy of establishing for the University close relations with the public schools, by admitting without examination graduates of approved high schools and teachers holding State certificates of the first grade.

President A. S. Draper, of the University of Illinois, in the inaugural address to which I have elsewhere referred, uses the following language in defining the mission of that institution:

"It is to articulate sharply with the public school system of which it, itself, constitutes the highest grade. It is to be a student of public school problems. It is to gather up the world's experience and most advanced thought concerning the construction of buildings, the training of teachers, the courses of work, and the development of minds. Learning the truth, it should speak it. It should not speak in a far away, autocratic, disinterested fashion. It should walk upon the earth, among people who yet live in body and amid circumstances that are not ideal but real. It should be sympathetic at all times, and helpful whenever it can be. It should be alert in the interest of all the children, the dearest possessions of the people, whose intelligent training is the greatest concern of the State."

Believing that the views expressed by President Draper are correct, I am pleased to note the growing sympathy between the Uni-

versity of Texas and the public schools. The effects of this growing sympathy have already begun to be felt, both in the University and in the schools.

Report [Tenth] for 1895-96, by J. M. Carlisle

THE STATE UNIVERSITY. Pp. lii-liii

The State University should have its department of Pedagogy with its competent corps of instructors, with all necessary equipments and appliances, and with an interest and an enthusiasm in popular education commensurate with the great work which the University may do in this direction. It is gratifying to know that the president of the University is thoroughly in favor of the organization of a permanent and efficient Department of Pedagogy in the University of Texas, and it is hoped that the day is not far distant when such a department will have its doors wide open to young men and young women of this State, who are thirsting for the advantages of such a course, in order that they may effectively perform their duties as teachers in the schools of our State.

The University, since the adjournment of the last Legislature, has been called to mourn the loss of one of the most prominent members of the faculty, Dr. Leslie Waggener, who died unexpectedly last summer while in Colorado. Dr. Waggener was one of the first members of the faculty, and had been with the University as professor of English from the opening of that institution to the date of his death. For many years he was chairman of the faculty and the recognized head of the University. The announcement of his death was read with deepest sorrow in all the educational circles in Texas and in college and university circles throughout the country. The regents last summer selected as president of our State University Dr. George T. Winston, at that time president of the University of North Carolina. Dr. Winston accepted the position and has entered upon the discharge of his duties. He has been cordially welcomed by the teachers and by the people generally. He has entered with spirit upon an effort to popularize the University and bring it into cordial relations with all the educational interests of the State. He has made a favorable impression upon those he has met and there is a general belief that a period of great growth and prosperity is upon the University.

But the University, like our other educational interests, is suffering from lack of adequate financial support. The University evidently needs much in the way of additional buildings. But the Constitution prohibits either taxation or appropriation from the general revenue to provide buildings, evidently intending that they should be supplied from the revenues arising from the university



lands and permanent funds. But if adequate appropriations from the general funds to pay the running expenses are not made and the regents are forced to use the revenues arising from the permanent funds to defray running expenses, how can the necessary buildings ever be built? The Ninth Report of this Department recommended the levy of a small tax on property to give the University a permanent source of revenue for current expenses. This recommendation is here repeated. The University ought not to be compelled to depend upon the appropriations to be made at each biennial session of the Legislature for its support. The president and the regents should be able to plan for a longer period than two years. It is impossible for them to plan wisely and broadly without planning for a longer period.

The school of pedagogy has been suspended for the current year, much to the regret of many friends of the University. Whatever may have been the causes that led to this action, and it is assumed that they were most urgent, it was a step apparently backward, and has had a depressing influence upon the good name of the State in educational circles abroad and among some of its best friends at home. It may be a mere coincidence, but it seems rather significant that the University had its greatest increase in attendance the first year after the Department of Pedagogy was established, and that this year, when the Department of Pedagogy is suspended, the attendance is less than it was last year. However, there is every reason to believe that the department will be reopened next year. President Winston has unhesitatingly and publicly declared himself cordially in favor of reopening the department. Furthermore, it is interesting to know that he favors strengthening the department and broadening its work.

It is suggested that the Legislature could do the University great service by making a special appropriation for the department of Pedagogy and authorizing the State Board of Education and the members of the Legislature to appoint two hundred students to the University, requiring them to take the courses in Pedagogy and such other courses as they should choose, and requiring them also to teach in the public schools after leaving the University. This method of preparing teachers has some very decided advantages over sending them to a normal school. Our State normal school does not claim to do college work. It is not the object of the institution. Its requirements for admission are very low. The satisfactory completion of its first year's work gives the pupil a second-grade certificate. The satisfactory completion of the second year's work gives him a first-grade certificate. The satisfactory completion of the third and last year's work gives him a diploma. Thus the course at Sam Houston only carries the student one year beyond the requirements for a first-grade certificate. It is un-

necessary to say that it is impossible for this course to give deep or thorough scholarship in the great divisions of learning. But the University requirements for admission begin about where the Sam Houston Normal's third year's course begins. The teacher, therefore, who takes his A. B. diploma and completes the course in pedagogy at the University has added at least three years of study to the graduation requirements at the State Normal. This is evidently the best preparation he can obtain, and our high schools are almost limited for their supply of really well qualified high school teachers to those who have had such preparation in this State or elsewhere. Unhappily, Texas does not supply the demand for teachers of these high qualifications, and many of our high school teachers come from abroad, while many high schools employ teachers not well furnished for their work. There is no use to which the Legislature could devote \$15,000 or \$20,000 in a way to produce better results than by adopting the suggestion of a special appropriation for the Department of Pedagogy and providing for State scholarships in that department.

#### REPORT OF THE STATE UNIVERSITY. P. 352

The Regents of the University have, in compliance with the requirements of the statute, submitted to this Department a report of the University for the last year.

The report is one of much interest and of great value, displaying a clear conception of the true place of the University in our educational system, and showing a firm hold upon the problems confronting the University. The needs of the institution are outlined in a strong way, and the appeal for liberal support is made with skill and power.

The publication of the very full and able report of the Regents made to the Governor renders it unnecessary to print the report made to this Department; but it is desired here to record an acknowledgment of the receipt of the document and proper recognition of its value.

Those who may wish to see the Regent's published report will be able to secure a copy by addressing the President of the University, Dr. Geo. T. Winston. Catalogues and information of every kind concerning the University can also be obtained by addressing the President.

#### SUMMER SCHOOL OF METHODS. Pp. 349-351

[This school was held in University buildings, June 19 to July 11. It had a faculty of sixteen; David E. Houston taught civics, and Morgan Callaway gave five lectures on English in the high school. Forty men and 138 women enrolled. A model high school was conducted. In his report Principal W. S. Sutton recommended that the school be conducted at the expense of the State; that some distinguished educators from out of the State be employed; and that the time be lengthened and the curriculum broadened.]

Report [Eleventh] for 1897-1898, by J. M. Carlisle

THE UNIVERSITY OF TEXAS. Pp. lxii-lxiii

The State University is now what its original founders intended it should be, the head of the public school system. This institution is gaining in material equipment and in educational force. The main building at Austin has been enlarged, as originally proposed, by the erection of the east wing. The cost of this addition was more than forty thousand dollars. The Medical Department at Galveston has been greatly improved through the donation by Hon. Geo. W. Brackenridge of an elegant dormitory for women.

The regents have added very much to the financial support of the University by the wise management of its lands. With this increase of funds the regents have been enabled to extend and strengthen the work of the University in various directions. All of the improvements and evidences of substantial progress can not be mentioned; but, as a representative of the public schools of the State, I desire to commend in the highest terms the re-establishment of the School of Pedagogy, and to express the hope that, by the beginning of the coming school year, this school will be expanded into a Department of Teaching. The University should furnish to the public schools many teachers, each of whom would be a power for good in the educational work. The teachers' department of the University ought to be enlarged, and in place of having two professors it ought to have at least a dozen. They ought to afford every means necessary to make this department the equal of any similar department in America. Under its direction teachers should be trained for the most important positions in the profession. Our cities should look to the University for teachers for their high school departments. The University should furnish to our cities and counties superintendents of the broadest culture and the highest capacity for organizing all the forces in the cities and the counties for the improvement of the schools. If the University is to remain at the head of the public school system of the State, it must contribute largely to the development of our schools.

The Legislature should make a special appropriation for the maintenance of a Department of Teaching of the University of Texas, and should provide for the appointment, by the members of the Legislature, of at least two hundred beneficiary students, each one to receive assistance from the appropriation to the extent of from seventy-five to one hundred dollars a year, upon condition that he take a thorough course in pedagogy, and at the same time, take such other courses as will give him a broad and liberal education, thus fitting him for the gravest responsibilities that may

come to him as a superintendent or a teacher in the public schools. Each beneficiary should obligate himself in writing, to teach in the public schools, if he has an opportunity, as many years as he is a beneficiary of the State, or, in case of failure to so teach, he should obligate himself to refund to the University as much money as he receives in this way. Such an arrangement would make this department one of the most popular and at the same time one of the most useful departments in the University. Its influence would go into every section of the State. The young men and young women receiving those scholarships would become leaders in the educational work. They would be the life-long friends of our own University. While this plan would greatly strengthen the public schools, it would extend the influence of the University and constantly widen the circle of its usefulness.

Regents' Report of December 15, 1898, reprinted pp. 346-355

#### THE SCHOOL OF METHODS. P. lix

In 1892 this Department organized a school of methods at Galveston and one at Fort Worth, with Dr. O. H. Cooper as conductor at Galveston and Superintendent W. S. Sutton as conductor at Fort Worth. The attendance upon these schools was small, but it was the beginning of a great work which has been continued each year with increased interest and with increased attendance. Last summer this work was done in connection with the summer review session of the State University, and the summer normal of the State University—all three of the organizations holding their sessions in the University buildings. The regents of the University will no doubt provide for a continuation of the summer review school of the University. The session of this school should not be less than six or eight weeks. The school of methods in conjunction with this, or as a separate organization, should be continued, as the interest in this division of our institute work has not at all abated and as it is exerting a great influence in elevating the professional standard of the teachers of the State.

Report [Twelfth] for 1899-1900, by J. S. Kendall

#### THE STATE UNIVERSITY. Pp. xxxvi-xxxvii

The University of Texas is a component part of "The General System of Education" demanded by the fathers of the Republic and the State more than a century ago. Since its organization, in 1883, it has continued to develop in the direction indicated by its founders. The past year has been marked by more than unusual growth and development. The number of young men and women seeking



its advantages have been larger than ever before. Coextensive with this growth in numerical strength of the student body, the University has expanded its courses and range of studies, while strengthening and enlarging its faculty of instruction.

In a broad sense, the University proper of today must be all for which the University of a quarter of a century ago stood, and it must be much more. While standing for culture and sound scholarship, it must speak in no uncertain terms on all the great problems which confront the work of education at large. As a part of the public school system the University must be thoroughly articulated with the public schools, of which it forms the highest grade.

The University of Texas is making commendable efforts to meet all these requirements. It admits as students, without entrance examinations, the graduates of all approved State high schools, private schools and colleges. Teachers holding first grade certificates are admitted without examination. It is the policy of the University not only to provide the highest culture for the youth of the State, but especially to promote in every possible way the development of the public schools.

At present there are more than ninety city high schools and private schools affiliated with the University. The graduates of these schools form a large part of the student body now in attendance at the University.

The University Summer School has become a fixed feature of the University work. Hereafter this school will regularly open immediately after the close of the annual session. This school is intended especially for teachers who have not had the opportunity of college or university training, but who, nevertheless, desire the advantages to be derived from the use of the laboratories, library, and the thoroughly systematic work given by the different members of the University faculty during the summer term of six or eight weeks. At the same time, other students who do not engage in the work of teaching, have an opportunity of shortening their University course, by taking the work offered in this summer school. The attendance upon this school will grow from year to year in public favor and patronage as its purposes and advantages are known to the teachers of the State.

The University employs sixty-three male professors, instructors and tutors, and nine female instructors. It enrolled during the past year 650 male pupils and 391 female pupils, or a total of 1041. The entire amount expended for salaries was \$129,132. The present value of the buildings and grounds of the University is placed at \$500,500. The value of apparatus for science teaching is \$50,000. The library contains 35,000 volumes, valued at \$32,000.

Report [Thirteenth] for 1901-1902. by Arthur Lefevre

STATE EDUCATIONAL INSTITUTIONS. Pp. 18j-18k

There are nine State Educational institutions which are more or less organically connected with the public school system, but which are autonomous and make independent and direct reports. The institutions are the following: The University of Texas; the Agricultural and Mechanical College; the Sam Houston State Normal; the North Texas State Normal; the Prairie View Normal and Industrial School for Colored Teachers; the State Orphan School; the Institute for the Blind; the Institute for the Deaf and Dumb; the Institution for Colored Deaf, Dumb, and Blind. The State has established two other institutions, for which buildings are in course of erection, but which have not been organized, namely, the Southwest Texas State Normal, and the Industrial Institute for White Girls.

There are indications on all sides that Texas is rousing to consciousness of her present greatness and vast opportunities; but the State has grown and developed in every way faster than is commonly realized, and almost all of its enterprises have reached for a magnitude little anticipated only a few years ago. There is no need for this report to attempt to summarize or supplement the individual reports of the institutions named above; and only a few general considerations will be mentioned.

*The State University*

There still survives in some quarters the notion that the public schools and the university are antagonistic claimants upon the fostering care of the State, and patriotic men rise up to champion the common schools in opposition to what they imagine to be conflicting interests of the higher education.

In truth no such conflict of interests exists; for besides the function of universities in the general economy of a commonwealth, the State University of Texas is closely and vitally connected with the common schools, and it has fulfilled nobly this one of its functions. The system of our State education is properly conceived in three stages of a unified work—the elementary school, the high school, the university—and no worse affliction could befall the whole than paralysis or derangement at the top. It may be serviceable to mention several simple facts indicating the relative cost of this integral part of the State's system of education so far as usual appropriations from the general revenue is concerned. At the present writing, 1901 is the latest year for which the total amount expended on the public schools has been ascertained; in that year \$5,628,240 was so expended, and \$40,000 was appropriated

out of the general revenue for the main branch of the university; in the same year the former sum maintained an average public school term of 110 days, and therefore the said appropriation could have extended the term of the public schools less than eleven-fourteenths of one day. As another comparison: if the policy of the State scholarships for the normal schools be continued, that one item will require for this year appropriations reaching nearly \$60,000. Such amounts seem large from the standpoint of the last generation; but, as already observed, Texas has grown and developed wonderfully in wealth and population, and the scale of all State enterprises necessarily enlarges *pari passu*.

One of the many direct services of the university to the lower schools is supplying properly prepared high school teachers, and in this connection, I would point out the fact that, under a provision of the present law, one might have received every degree that the university can confer, yet would be prohibited from teaching in any public school of the State unless examined and approved by persons whose legal qualification is a "first grade certificate," such as is obtained every month by pupils just out of high schools and by thousands who have had far less preparation than that. I recommend that all degrees (except in law and medicine) conferred by the Regents of the University of Texas have the immediate force of permanent State certificates.

Report [Fourteenth] for 1903-1904, by Arthur Lefevre

*The State University*, pp. 18-20

There still may survive in some minds the notion that the public schools and the State University are antagonistic claimants upon the fostering care of the State, but no such conflict of interest exists. The University of Texas is closely and vitally connected with the common schools. The main system of our State education is properly conceived in three stages—elementary schools, high schools, the University. Many vital impulses in education necessarily proceed from above, permeating downward. The faculty of the University of Texas in the course of its development has labored to establish relations with the high schools and academies of the State which have been fruitful of the most beneficial stimulation; and the best schools of the State already regard the University as their guide, counsellor and friend. But recent indications of great promise and importance have transpired which show that the regents of the University are adopting matured policies of extending practical counsel and help to the schools at large. It is not necessary to set forth the far reaching benefits of such relations.

One of the many direct services of the University to the lower schools has been in supplying properly prepared high school teachers. Comparatively few University graduates have been induced to enter the profession of teaching, but the development of high schools and the increasing salaries will, it is hoped, rapidly bring about better conditions in this regard. In this connection I am called upon to point out the fact that under a proviso of the present law one might have received every degree that the State University can confer, and yet would be prohibited from teaching in any public school unless examined and approved by persons whose legal qualification is a "first grade certificate," such as is obtained by pupils just out of high school and by many who have had far less preparation. I recommend that all degrees, except in law and medicine, conferred by the regents of the University of Texas, be made to have the force of permanent licenses to teach in the public schools.

It is very unfortunate that personal and professional jealousies seem somehow to have been injected into this question of State policy. Those who hold that under existing circumstances it would be expedient for the State to welcome and encourage all titled graduates of the University to teaching service in the public schools, by removing the legal impediment which now permits such service only to those graduates "completing the degree courses in the school of pedagogy," are attacked as enemies of the University school of pedagogy, and even of the entire normal school idea. Any such view is gross misrepresentation. For my own part, no man could have a higher idea of the utility of broad and intelligent study of the theory and art of education. In my opinion there are no schools in universities that have greater opportunities for high and useful service than competently manned schools of pedagogy, especially where conducted in close relation with schools of philosophy and schools of history. Such a school so conducted would be amply able to stand on its intrinsic merits and would not fail to attract its proper share of earnest and voluntary students without any law to force the choice of its courses by students, on the contingency that they may possibly wish to teach for a while after graduation. Often students (especially of the physical sciences—biology, chemistry, physics) who have devoted their optional courses to a specialty and closely allied subjects, find themselves, holding the highest degrees of the State University, and called to teach in progressive high schools, under the necessity of submitting to a board of examiners of inferior attainments before they can accept their calls to teach.

There is here no question of the value of pedagogical studies, but a question of public policy and also an important question concerning the general interests of all the students in the University.



The matter is not one of vital concern, but the burden of proof in any unprejudiced view of the question lies upon the Legislature to show the public need of a law that refuses teaching license to graduates of its highest educational institution, except those who have "completed the degree course in the school of pedagogy." Under different conditions at some time in the future the State might conceivably be justified in such a measure as the restrictive clause that was inserted in 1893 into article 3970a (1) of the Revised Statutes; but at the present time no superabundance of University graduates overcrowds the service of the public schools in Texas. Upon what ground, then, should the State make any attempt to exclude or discourage from teaching all except certain graduates held to be especially well prepared for teaching service?

It may be well to forestall any attempt to confuse this question with the policy of the State which requires examination of the graduates of the University law school before the issuance of license to practice law, by pointing out that the only truthful analogy would be to require examination of the graduates of the school of pedagogy. By such a requirement the school of pedagogy would be "hoist with its own petard" with a vengeance; but I hope no one will be led by the charms of poetic justice to advocate any such procedure. The public good requires that all degrees now conferred by the State University (except those in law and medicine) should license the holders thereof to teach in the public schools. As I have said, other policies may, in the distant future, become suitable for changed conditions; but for the time being I am sure that the preponderance of competent opinion, in the University and out of it, from the professional standpoint and from the standpoint of statesmanship, supports the policy here recommended.

In like manner the Texas public schools are not so overrun by graduates of universities outside of her borders that there is any need or justification for one restrictive provision in Article 3981a, Revised Statutes, which provides that, "Any teacher who may hold a diploma conferring on him the degree of bachelor of arts, bachelor of science, bachelor of letters or any high academic degree, from any college or university of the first class, and who shall have taught for a period of not less than three years in Texas, may receive from the State Superintendent of Public Instruction a permanent State certificate, which shall be valid anywhere in this State during good behavior. The institutions to be recognized as colleges or universities of the first class shall be determined by the State Superintendent of Public Instruction, upon the recommendation of the State Board of Examiners." I submit that the safeguards provided in the foregoing statute would be sufficient without the churlish clause requiring three years service in Texas before such service is allowed to be begun on the footing suitable to the very premises of the statute.

**Report [Fifteenth] for 1905-1906, by R. B. Cousins**

**THE UNIVERSITY. Pages 25-29**

"The University is in the pass behind which the world's liberties are guarded."—H. W. Grady.

Since the adjournment of the Twenty-ninth Legislature the University and the State have been caused to mourn the death of the President of the University. On July 24, 1905, the sorrowful news of the death of President Wm. L. Prather, was reported to the world from the family residence in Austin. In his death the Commonwealth lost a strong, patriotic citizen, and the University lost a well poised, safe and capable leader.

On August 15, 1905, President David F. Houston was called from the presidency of the Agricultural and Mechanical College to that of the University. The people of the State are to be congratulated upon this election, not alone because of the recognized fitness of Dr. Houston, for the high position to which he has been called, but because of the recognition of the principle for which the schoolmen of Texas have contended for a decade, viz., that no one should be called to the head of an institution of learning in this State except a schoolman of character and special fitness.

On April 19, 1906, the inauguration of President Houston was made memorable on account of the assemblage of notable college presidents from the South and West, who delivered addresses at the inaugural ceremonies and took part in the deliberations of the association of principals and superintendents of the affiliated high schools, and of the association of county school superintendents, which met in the University building upon the following days.

The people are to be congratulated upon the fact that governing boards have been able to find schoolmen of sufficient strength to be placed at the heads of State institutions of learning.

I am indebted to President Houston for the following analysis of the University and statement of its needs:

*Work and Aims*

The work of the University is organized at present in six divisions, as follows:

1. The College of Arts, giving the bachelor's and master's degrees.
2. The Department of Engineering, giving courses leading to degrees in civil, electrical and mining engineering.
3. The Department of Law, giving the LL. B. degree.
4. The Department of Medicine, embracing the School of Medicine, the School of Pharmacy, and the School of Nursing, and

granting the degrees of M. D., Ph. G., and certificates of proficiency in nursing.

5. The Department of Education, granting the degrees of Bachelor of Education and Master of Education, and the various teachers' certificates authorized by law.

6. The summer session of the University in conjunction with the University Summer Normal.

It is not the intention of the authorities of the University, so far as I am aware, to enter in the near future upon any new lines of work, except, perhaps, the establishment of a school of Dentistry at the Medical Department as soon as the funds permit. This is an addition that ought to be made because of the fact that there is no dental college of high grade in the Southwest. The aim of the Regents would be more especially to strengthen and make as perfect as possible all existing lines of work.

The purpose of the University is to furnish men who are going into the pursuits of life with disciplined minds and bodies and with liberal and broad training and ideals, to train lawyers and doctors of high standards, turn out efficient pharmacists, nurses, civil, electrical and mining engineers, and well trained teachers, especially for the high schools and colleges. Above all things, the University aims to make every student who comes here a better citizen.

In accordance with the above ideals, the University is seeking to advance its standards as conditions permit, and especially to see that no student who comes here wastes his time. The standards of admission to the College of Arts and to the Engineering Department as well as to the Departments of Law and Medicine have been slowly advanced, as the high schools have improved. The Regents have recently ordered that, beginning with 1909, the equivalent of five full college courses shall be required for admission to the Departments of Law and Medicine.

#### *The Growth and Needs of the University*

The University has had a steady and healthy growth since its opening in 1883. In fifteen years the number of men and women to whom it has furnished instruction, including the summer session, has grown from 353 to approximately 2300 or more, as the registration for the current academic year will show. In ten years it has grown from 800 to 2300, including the summer session, and in three years from 1486 to 2300. In the last two years, the gain has been exceptionally great. In all departments of the University, the attendance within the biennial period, or between the meetings of the Legislature, will show a gain in numbers not far short of 1000. This great demand on the part of the young men and young women of the State for the opportunities here taxes our facilities to the

utmost. If the prosperity of the State continues, we have reason to expect that a like increase will be seen in the future. If the State, in accordance with its policy announced in the founding of the University and repeatedly affirmed, desires to support a University of the first-class, "so as to place within the reach of our people, whether rich or poor, the opportunity of conferring upon the sons of the State a thorough education, and as a means whereby the attachment of the young men of the State to the interests, the institutions, the rights of the State and the liberties of the people might be increased and encouraged," it will be necessary for it to increase its liberality in appropriations.

The entire Main Building is now urgently needed for class-rooms and offices for the College of Arts. Already great difficulty is being experienced in the arrangement of schedules for the class work and many of the classes are too large for any of the rooms at the disposition of the University. The laboratories are overcrowded. Aside from the need of more adequate quarters for the Department of Law and for the science laboratories, it is necessary to get these out of the Main Building to make room for the academic classes and offices. The University Library, which is constantly growing, is rapidly reaching the limit of its space for the storing of books and the reading room for men and women is utterly inadequate. The Library is exceedingly valuable, representing a cost of several hundred thousand dollars, all of which is subject to destruction by fire in its present quarters. But, in addition to this, there are many valuable volumes and documents which could not be duplicated. The present power plant was erected to heat the Main Building. Four other buildings have since been placed on the campus, and the power plant is utterly inadequate during cold weather. The University deems it its duty to see that the physical health of the student is fostered. The facilities for bathing and locker room in the gymnasium work are practically non-existent. The growth of the Medical Department is seriously hampered by the lack of adequate laboratory accommodations and hospital facilities. Even without reference to future growth, the University, therefore, now needs:

1. A Law Building.
2. A Science Building.
3. A Power Plant.
4. A Medical Laboratory and hospital facilities.
5. A Library Building with ample reading room.
6. Bathing and locker facilities for gymnasium classes, with apparatus.

The needs that I have discussed so far are simply the educational needs of the institution. I have said nothing about the need for more dormitories or the living needs of the student body. We shall have to depend upon private enterprise to furnish suitable quarters for the students until the pressing educational needs are satisfied.



The University is exercising progressive leadership in the educational affairs of the State through its work and its system of affiliating high schools. The ideals now prevalent in Texas in the high schools were created or modified greatly by the University. A strong, intelligent leader in any community may be worth a score of men who are unwilling or unable to lead in the right direction. The University is engaged in efforts to develop such leaders. That it is doing a great work for the State can not be denied, and that it is taking a stronger hold upon the desires to commend the University to the careful attention of the members of the Thirtieth Legislature and to ask that a liberal policy be pursued in meeting its needs.

### *Professional Education of Teachers at the University*

In 1897 the Regents of the University made provision for the re-establishment and enlargement of the School of Education. During the session of 1897-1898 ninety-one students were registered in courses in Education. In the years that have since elapsed the number of Education students has increased to 250, over one-fourth of whom are men. In the Education faculty at the present time there are one full professor, two associate professors, one instructor, and one tutor. One of the associate professors is also the Visitor of Schools.

The following courses in Education are now offered: School management, the method and purpose of teaching, psychology of education, psychology of development, history of education, philosophy of education, abnormal psychology, secondary education, school supervision, seminary in education, teachers' course in Latin, teachers' course in botanical methods, teachers' course in elementary mathematics, and a teachers' course in manual training.

For the purpose of emphasizing the value and dignity of the teaching profession, the Board of Regents has, this year, adopted regulations for expanding the School of Education into the Department of Education, and for the conduct thereof. Students under 21 years of age must be of junior standing before being admitted into the Department of Education. Special or irregular students may become applicants for teachers' certificates and may be enrolled in the Department though they may be below Junior standing. The requirements for graduation from the Department are as rigorous as the graduation requirements for the College of Arts. In order to receive the degree of Bachelor of Education the student must complete twenty full courses, of which not less than five must be courses in Education. Among the courses he completes there must be not less than three in each subject he is preparing to teach. Students in the College of Arts may elect as many as four courses in the Department of Education, which courses will be counted towards the Bachelor of Arts degree.

It is the intention of the Regents to further enlarge the work of the Department of Education as soon as finances will justify the necessary expenditures therefor. It is hoped that, in the near future, instruction in manual training can be given at the University. At present, through the courtesy of the Board of Trustees of the Austin City Schools, the Director of the Allan Manual Training school offers a course in the pedagogy of manual training. It is desired furthermore, that provisions for observation and practice work be made, in order that students in Education may have theory corrected and reinforced by practical work under competent supervision.

In addition to the work done by the instructors of Education in the University lecture-rooms and laboratories, much time is given to directing students in the preparation of bulletins upon educational questions. The instructors themselves occasionally make contributions on their own account. Some of the bulletins already published treat of the following questions: School Buildings; Consolidation of Schools; Wholesome Educational Statistics; The Professional Training of Teachers; Parents' Clubs. Two others, which are now in course of preparation, relate to the teachers' institutes and county supervision.

The members of the Education faculty, furthermore, from time to time visit teachers' institutes and associations. Wherever they have gone they have received a cordial reception and have sought to promote that unity of effort which should characterize workers in all departments of our public school system.

#### *The Summer School*

Under the guidance of the Department of Education in the University, a summer school for teachers primarily in charge of Dr. W. S. Sutton, Professor of Education, has reached the gratifying attendance of about 600. This summer school is contributing generously to the professional advancement of the teachers of Texas, and the teachers in return are contributing to the growing strength of the University.

**Report [Sixteenth] for 1907-1908, by R. B. Cousins**

[Statement furnished by the President of the University.]

**THE UNIVERSITY OF TEXAS. Pp. 33-36**

#### *The Growth of the University*

The growth of the University of Texas has been remarkable in the last few years. In four years it has nearly doubled its total registration. In the Department of Engineering and in the Summer

Schools the number of students has doubled, while it has increased more than 75 per cent in the College of Arts and nearly 70 per cent in the Department of Law. In two years an increase of nearly five hundred has occurred in the registration; there being a gain of about two hundred in the College of Arts, of approximately the same in the Summer Schools, and of from fifty to seventy in Engineering and Law.

The indications are that the gain within the next few years will be quite as great. It would not be surprising if within two years more the total registration would reach 3000, and in four to five years, 3300 or 3400.

### *Services to Education*

The services of the University to the school system of Texas are very noteworthy. This applies especially to the training of teachers in the regular session and in the Summer Schools, to the encouragement of high standards of instruction and administration, to assistance in framing courses of study, for high schools, and to aid given in making possible more adequate support for the rural schools.

*Training of Teachers.*—All the institutions of the State are not now furnishing enough well-trained teachers to meet the demand, and the aid of the University in this respect is especially welcomed. In each of the last two years it has been called upon to furnish five hundred or more teachers, requests having come to it for college teachers, principals, and superintendents, high school teachers, and teachers in the lower grades.

*A Practice School for Teachers.*—The request of the Regents that provisions be made for a practice school deserves to be granted. Teaching is, if anything, more an art than a science, and the first-class teachers can only be trained if they are given practice under the most favorable conditions. This is done in other States, and Texas can not afford to have teachers inferior to those trained elsewhere.

*The Summer Schools.*—The extremely rapid growth of the summer schools of the University should also be noted. Beginning with a very small enrollment, they have grown until in the last session over 700 men and women were given instruction in these schools. This work is of incalculable value to the school system of Texas. It furnishes an opportunity to teachers who can not secure advanced training during the school year to attend University courses during the summer. As a consequence, they return to their schools with renewed interest, vigor and competence.

*Teachers for Manual Training and Agriculture.*—The University with its strong Department of Education, should have a large part in preparing teachers in agriculture and manual training. These

two subjects are of tremendous significance to the people of Texas. There are at present hardly any teachers in the State competent to present them. This lack should be supplied as soon as possible by preparing teachers to deal with these two subjects in schools of all grades. Those who are being prepared in the University of Texas to teach should be trained in manual training and agriculture, as well as in other subjects.

*Help to Rural Schools.*—The University of Texas has proved its right to a place among the educational leaders of the State by its intelligent and devoted interest and help to the rural schools of Texas. It has offered its buildings to the county school superintendents for their meetings, and has been ready to help them in all ways within its power. It has also taken an active part in the Conference for Education, and has materially aided in securing the adoption of the constitutional amendment submitted by the last Legislature, which is the longest step in advance yet taken in the development of the rural schools of Texas. The part of University officials in this campaign was very prominent; they visited various parts of the State, made addresses, and were prominent in the efficient organization which secured the presentation of facts to the people, and enabled the latter to vote with a full and intelligent knowledge of the large issue at stake.

*High Standard of Work.*—The University has raised its standard of admission materially, and by doing so has at once ceased to compete with the secondary schools of the State, and stimulated the latter to improve and advance their own standards. Heretofore admission to the University has required only eight units of high school work; this year it requires eleven units, and next year, and thereafter will require fourteen units.

Some idea of the advance in the standards of the State high schools, due to the influence of the University, may be had by considering the fact that in place of 129 schools which were last year prepared to send their graduates to the University there are now 137 such schools; moreover, in place of 37 schools which were able to send their graduates to the University fully prepared and without conditions, 60 schools have now attained that high standard.

#### *Deficiencies in Equipment*

The increase from less than 1400 to over 2500 in the attendance at the University during the last four years has greatly taxed the resources of the institution. The Regents have not found it possible to provide a sufficient number of trained instructors. The classes and sections have, in their judgment, been too large for efficient instruction. The libraries and laboratories have been crowded. Classrooms have been too few and too small. Laboratory facilities



have been overtaxed. Office rooms for instructors in which the individual work, which is of the utmost importance, is carried on, have been insufficient in number and have been unduly crowded, three or four instructors, in some cases, occupying small rooms together. There is great need of books for the general library, and a crying need of books for the library of the Law Department, which is smaller and less satisfactory than some private law libraries in the State. Instruction in chemistry, biology, and engineering is being hampered by the insufficient size of the quarters at present available for these subjects.

#### *Urgent Needs*

*Heating and Power Plant.*—There is acute need at the University for a new heating and power plant. When the present plant was erected, in 1891, only the west wing and central portion of the Main Building and the Chemistry Building were heated by steam. Since then the Main Building has been completed, University Hall has been enlarged, and the Engineering and Law Buildings have been placed in use. It is impossible to heat all these buildings with the present plant. Their unheated condition in severe weather is unsanitary, frequently leading to illness, which spreads rapidly in a large body of students. Moreover, this condition of things interferes very much with efficient instruction.

*Library Building.*—The University is in need of a library building. There is reading space for no more than 115 students, when the College of Arts numbers nearly 1000, and the total number of students in attendance is 1500. A university can not do its work without a good library, whose books can be consulted by the students in attendance. Even more serious is the danger of fire. If a fire were to break out nothing could save the valuable contents of the University from being burned, or ruined by water.

*Medical Laboratory Building.*—The need of a laboratory building for the Medical Department has been recognized by all responsible people whose attention has been called to the matter. The last Legislature conceded it and made an appropriation therefor, but the item did not stand in the bill. It is hoped that the Legislature may find a way to appropriate a sufficient amount of money to put up and equip such a building. Without it the Medical Department of the University must remain at a standstill.

#### *An Adequate Policy for the University*

The Regents point out that, according to the Constitution, only the Available University Fund can be used for the erection of buildings, and that this prevents a rapid growth at any time and requires that a steady advance shall be made at each session of the Legisla-

ture if the University is not to fall even farther behind other universities in States similar to Texas in age, population, and wealth. They point out further that the Available University Fund was practically created by their predecessors on the board. They ask that the institution be supported out of the general revenue, and that the Available University Fund be left to the Regents for erecting the necessary buildings.

[The State superintendent comments on the above statement as follows:]

In my judgment, the University is rendering services of the highest importance to the State. I believe that the request of the Regents for a heating and power plant, a library building, and a medical laboratory building are very moderate and should be granted. They are plainly right in saying that the constitutional limitation prevents the University from growing rapidly, and I recommend that the policy of setting aside the Available University Fund for the use of the Regents in betterments be adopted in order that the great services of the University to the State may be increased.

**Report [Seventeenth] for 1909-1910, by F. M. Bralley**

**SPECIAL STATE SCHOOLS, p. 9**

The matriculation and attendance at the University of Texas, the Agricultural and Mechanical College, the College of Industrial Arts, the State Normal Colleges, the other State institutions of learning and at the denominational colleges have made greater gains than during any like period in the history of the State, but Texas is a mighty Commonwealth in size, in population, in material resources and in the possibilities of her future.

The following new buildings at the State institutions of learning have been erected or are in the course of erection: A two hundred and fifty thousand dollar (\$250,000) library building at the University of Texas; a fifteen thousand dollar (\$15,000) library building at the Southwest Texas State Normal School, San Marcos, . . . . Additions have been made to the faculty of each of these State schools, and in every respect substantial improvement has characterized the special State schools during these two years.

**LONGER TERMS OF OFFICE FOR SCHOOL OFFICIALS, p. 42**

The Texas State Democratic platform, adopted August 10, 1900, declared:

"The educational system of our State, conceived by the fathers of the Republic and fostered by Democratic statesmen, has become the just pride of our people, and we pledge our continued efforts to

strengthen and maintain it in all of its branches, and to keep it clear from partisan politics; to this end, we favor the submission by the Legislature of a constitutional amendment looking to the election of school trustees and appointment of the members of the governing boards of the higher institutions of learning for a term of six years, as contemplated by the law and practiced by each administration until declared unconstitutional by a recent decision of the Supreme Court."

The Texas State Democratic Platform, adopted July 17, 1902, declared:

"We declare it to be the fixed policy of the Democratic party to take our public schools and other institutions of learning out of politics, and we therefore reiterate the demand of the Democratic platform of 1900 for the submission of a constitutional amendment making the appointment of trustees of our schools, colleges, and university for terms of two, four, six, and eight years."

These declarations by the Democratic party of Texas at different times clearly indicate that the democracy of Texas believes in longer terms of office for school officials. Thoughtful, far-seeing statesmen and educators are in substantial agreement in believing that the schools will be permanently removed from the domain of factional politics, and that business principles will obtain in their administration when the terms of office for trustees of school districts, for the Regents of the University, for the Directors of the Agricultural and Mechanical College, for the Regents of the College of Industrial Arts, for the governing boards of the eleemosynary institutions, and for school officials chosen by popular election, are lengthened, and the membership of the boards so classified that a minority only will retire at one time.

No system of educational administration will accomplish the best results that does not promote the management of the schools solely in the interest of the children, that does not abolish the "spoils-system" in school affairs, and that does not make possible the continuance of carefully-planned, well-matured policies. The State Department of Education, therefore, recommends the submission of an amendment to the State Constitution providing for longer terms of office for these officials, and believes that in making the recommendation it but voices the will of the people of this State.

#### COLLEGE TAX, p. 43

The special State schools should be supported by a special tax. This would not mean an additional ad valorem tax or an increase in the maintenance cost, but it would change the method of providing needed financial support to a more satisfactory, more business-like and more permanent basis. The present system of biennial ap-

appropriations is necessarily productive of political entanglements in which personal prejudice and political caprice figure, while the demands of these schools for the support necessary for the expansion and growth are not given thoughtful and careful consideration.

All the special State schools have been more or less handicapped for lack of definite and dependable revenues. A special tax for the maintenance of these schools would dispense with the biennial "scramble and pull" for appropriations and would establish a fixed policy of State support, removing doubt and uncertainty as to needed revenues and affording the boards of these schools an opportunity to formulate constructive plans for regular development extending through a period of years. A fraction of a mill tax would yield sufficient funds for the maintenance of the special State schools, and the annual increase in the assessment rolls could be relied upon to take care of the needed increase in financial support incident to proper development. A number of states, some by statutory enactment and others by constitutional provision, levy a tax for the support of their special State schools, and in all of these states experience has proved the wisdom of the plan and failed to disclose any disadvantages whatever. The State Department of Education therefore indorses and recommends the policy of supporting the special State schools by an educational tax.

**Report [Eighteenth] for 1911-1912, by F. M. Bralley**  
**Pages 19-20**

[Contains two pages of condensed extracts from the Fifteenth Biennial Report of the Board of Regents, which "is commended to the members of the Legislature and a careful study of it is respectfully urged"]

[The Nineteenth and subsequent biennial reports of the State Superintendent have not been published except in part in pamphlets.]



**THE TEXAS JOURNAL OF EDUCATION, 1880-1882**

[Edited by O. N. Hollingsworth, secretary of the State Board of Education; quasi-official, covering the formative period of the University.]

August, 1880. Vol. 1, No. 1, p. 3

**A LIBERAL OFFER—\$5000**

A worthy and public spirited gentleman, resident of the city of Austin, during the course of a conversation in reference to the eligibility of Austin as a site for our State University, said he believed in providing the most ample educational facilities for our girls as well as for our boys, and that he would give \$5000 to the establishment of a college for young ladies—not a preparatory school, but a college, complete in all its departments and appointments—to be located at Austin.

Gentlemen of the city of Austin, this is an initial proposition for a move in the right direction. Accept it, and increase the donation to \$500,000, and you will have accomplished, not only a great work for humanity, to which you and your children after you will refer with satisfaction and a conscious pride, but will have made an investment that will pay in dollars and cents. An institution of the character referred to would add to the annual volume of trade not less than \$250,000, and would give an increased value to real estate.

While writing this article, we have been informed that another worthy citizen proposed to give \$10,000 to the same cause. Talk the matter up, gentlemen, and authorize us, in the September number of the *Journal*, to say that \$250,000 has been pledged to the great work.

1880, August. Vol. 1, No. 1, pp. 13-14

**THE STATE UNIVERSITY, by R. W. Lowrey of Austin**

[Mr. Lowrey urges the necessity for a university by the exodus of 150 young Texans to higher institutions outside Texas; money should be spent in salaries rather than in buildings; what departments are established should be first class.]

1880, September. Vol. 1, No. 2, pp. 30-31

**TEXAS UNIVERSITY, by the Editor**

[Quotes from the Statesman, which argues that 400 students are leaving Texas for higher education elsewhere; proves the need of a university; estimates the initial cost at \$245,000 and, assuming the return of the money during the Civil War from the University fund, figures the amount available at \$263,188; places salaries, 9 professors and 1 instructor, at \$38,000; income at \$45,000 plus a prospective \$30,000 from the one million western acres.]

1880, August. Vol. 1, No. 1, pp. 10-11

Letter by the Editor to the Comptroller

Realizing the necessity for the establishment of a State University, and believing the time has arrived for the execution of the will of the founders of the Republic of Texas in reference to such an institution, I am anxious to bring the subject prominently before the public during the present political canvass.

I have been informed you discussed this subject in a speech recently delivered at Gonzales, on the subject of State finances, in which you referred to the legal obligations resting upon the State to liquidate the University State bonds, amounting to \$134,472, issued November 12, 1866, for money borrowed on general revenue account, January 31, 1860.

Reply by Comptroller S. H. Darden:

In reply to your communication of twentieth inst., requesting my views, as expressed in a recent speech at Gonzales, upon the validity of certain State bonds now in the Treasury, and heretofore reported as doubtful, I will say that these bonds were executed under act of November 12, 1866, for the amounts and consideration mentioned by you, viz.: to reimburse the University fund and school fund for the amounts used of those funds for general purposes of government. When I took charge of the Comptroller's Office in January, 1874, these bonds were being carried on the books of this department as of doubtful validity, and no provision had ever been made by the Legislature to pay the interest which had accrued on them. In the first annual report made by me as Comptroller, August 31, 1874, I called attention to the subject, as follows, viz.: "There are several accounts carried upon the books of this department, the validity of which is doubtful; to determine which will require a legislative enactment. By referring to the statement of the State debt, it will be observed that the State is chargeable to the State University fund, in the sum of \$134,472.26, covered by five per cent bonds, . . . .

Though I had no doubt of the validity of these bonds and the propriety of their recognition and payment, yet as some doubt had been cast upon their validity by the previous administration, I did not feel authorized to pronounce them valid without some recognition by the Legislature.

Justice to these sacred funds, demands the recognition of principal and accrued interest. Should the Legislature recognize that part of the debt held by the University fund, there can be no doubt of the ability of the State to establish and maintain the University required by the Constitution. That fund would then consist of say:

Five per cent State bonds, principal.....	\$134,472.26	
Accrued interest .....		\$ 94,130.55
Five per cent State bonds, principal.....	75,400.00	
Six per cent State bonds, principal.....	82,442.00	
Seven per cent State bonds, principal....	62,000.00	
Land notes .....	225,000.00	
Interest invested in bonds.....		93,057.16
Total.....	\$579,314.26	\$187,187.71

By the time the interest will be required for the purpose of constructing the necessary buildings, purchasing apparatus, etc., it will have reached at least \$200,000, and the interest thereafter accruing, will be sufficient to maintain the institution. There can, therefore, be no reason for longer delaying the University required by the Constitution and demanded by the necessity which exists for affording to the youths of our State, facilities for higher education.

October, 1880. Vol. 1, No. 3, pp. 68, 69, 70

THE UNIVERSITY OF TEXAS, by Oscar H. Cooper, Huntsville

The founding of a university in Texas, which shall be worthy of the coming greatness of this young and vigorous empire, is an event fraught not only with important results to the State, but also with interest to the friends of civilization and progress throughout the world. Born of the Anglo-Saxon love of freedom, enjoying the possession of boundless resources, looking forward to a happy and glorious future, "this imperial realm" deservedly attracts increasing attention. History records no examples of heroic daring and unflinching devotion to the cause of civil liberty more striking than are found in the early annals of the Lone Star State. In extent it equals the united areas of Massachusetts, Connecticut, New York, Pennsylvania, Virginia, Ohio, Indiana, and Illinois, and it is greater than England and Germany combined. Its soil everywhere fertile, often exceptionally so; its climate, mild and wholesome, rivalling in softness and purity that of Italy, and lying between parallels which include the famous Plateau of Ivan and the Mediterranean nations whence came civilization. Texas is indeed "a noble land, calling forth and regarding the energies of man." Its population has nearly doubled during the past decade, and if peopled as densely as France, it would contain more inhabitants than the entire United States at present. Thus the traditions of its history, its immense area, its fruitful soil, its delightful climate, its long sea coast, its numerous bays and rivers, its unknown mineral wealth, and its high rate of increase in population, justify the hope that "the beautiful savannahs of Texas" (DeQuincey) will become at no distant day

the abode of a great and prosperous people, richly endowed with the best elements of a progressive civilization.

The complete development of the system of public instruction, which the present generation derived from the past, will be a powerful agency in promoting and hastening this happy result. Texas has never been wholly indifferent to this essential element of progress. The founders of the Republic, in severing Texas from Mexico, gave as a reason for the action that the government of Mexico "has failed to establish any public system of education" (Declaration of Independence) although it is an axiom of political science that, unless the people are educated and enlightened, it is idle to expect the continuance of civil liberty or the capacity for self-government." These illustrious men, who had created a new nation, bequeathed to the State the outline of a system of public instruction, which after the lapse of nearly half a century the State will do well to develop. This system closely resembles, and was probably derived from that which the philosophic Jefferson prepared for the Old Dominion. It included:

1. Elementary schools for the instruction of all.
2. Endowed academies for more advanced instruction.
3. One or more universities in which the several branches of learning should be taught in the most advanced states.

Munificent provisions were made by the Republic for free elementary instruction by appropriations of public land. These provisions have been augmented by the State until the public domain devoted forever to public free schools amounts to more than fifty millions of acres, a realm as large as the whole of New England increased by one-half of New York. The prospective value of this endowment is well nigh incalculable. A good foundation was laid for the academies also. Three leagues of land (afterward increased to four) were given to each county to build an academy or high school. During the chaotic period of reconstruction, however, the State resumed the control of these lands, and, afterward, in returning them to the counties, directed that they should be used for the common schools. It is to be hoped that the State will repair this unfortunate mistake by making liberal provisions for secondary education from the large amount of the public domain still unappropriated. Of the history, resources, and organization of the university we shall treat in order named.

The University of Texas is a child of the Republic of Texas. In 1839, while Mexico was still threatening war, and while the United States was still unwilling to receive the new-born nation into the sisterhood of States, the Congress of the Republic of Texas, acting on a recommendation made by the gallant and stainless Lamar, President of the Republic, dedicated fifty leagues of the public lands to found a university; and, at the same session, directed the com-



missioners, who were appointed to locate the capital, to reserve within the limits of that future city an eligible site for a university. Thus, when the beautiful city of Austin arose on the frontier of civilization a noble eminence—"College Hill"—commanding a fine view of a striking landscape made up of the picturesque city, the winding Colorado, the azure-clad mountains, and the undulating prairie, and surrounded by a campus of forty acres, was forever devoted to the University of Texas. The first attempt to organize, however, was not made until nearly twenty years later, in 1858. At this time it was thought that the growth of the State in wealth and population made advisable the immediate establishment of the university; and an act to this effect was passed by both houses of the Legislature, and approved by the Governor. The provisions of this are important, and will affect to some extent the basis of the future organization. One hundred thousand dollars was appropriated from the State Treasury and made forever a part of the funds of the university. "The control, management, and supervision of the university" was to be vested in a "Board of Administrators, who shall consist of the Governor, the Chief Justice of the State, and eight other persons, who shall be nominated by the Governor and confirmed by the Senate." The act prescribes that "the following branches shall be taught in the university: Ancient and modern languages, mathematics, pure and applied, physics, chemistry, mineralogy, including geology (sic), the principles of agriculture, botany, anatomy, surgery, medicine, zoology, history, ethics, rhetoric and *belles lettres*, civil government, political economy, the law of nature, of nations, and municipal law." The crudeness and incompleteness of such a plan of university studies are too manifest to need comment. No religious test was to be required as a condition of admission to any privilege or office in the university, no sectarian instruction was to be allowed, and tuition was to be free. The "Board of Administrators" were to elect a President and Faculty, fix the standard of admission, and prescribe "a course of study and discipline." The approach of the civil war prevented any attempt to carry out this plan, and no friend of the institution will now regret it; since (to say nothing of the plan itself) the inauguration of a respectable university on a foundation of one hundred thousand dollars was altogether impracticable. A second attempt was made to establish the university in 1866, during the troublous days of reconstruction. The leading features of the act of 1858 were revived, somewhat changed, but in no respect improved. A most unwise provision was the division of the resources between two universities, one in the east and one in the west. Fortunately for the cause of higher education in Texas, the unsettled condition of society prevented any attempt to execute the provisions of this act.

The constitution adopted in 1876 supercedes all previous legislation, and is the organic law of the State. The provisions of this instrument concerning the university are wise and generous. It directs the Legislature to inaugurate the institution as soon as practicable; secures to the funds all previous appropriations; directs that only the interest on the funds shall be used, and adds to the already growing resources of the University, one million acres of the public domain—a territory considerably larger than Rhode Island. It prescribes the object of the university to be "the promotion of literature, and the arts and sciences," and incorporates as a department or "branch of the university, for instruction in agriculture, the mechanic arts, and the sciences connected therewith," the State agricultural and mechanical college, which had been established in 1871 under the Congressional appropriation for such institutions. It requires that the location of the university shall be determined by a vote of the people of the whole State; and directs that a "college or branch university" be established and maintained for the instruction of the colored youths of the State!

Thus the policy of past legislation has been to guard with sacred care and greatly augment the resources of the university, until they should be ample enough to found an institution worthy of the name. An examination of the present condition of these resources reveals the gratifying fact that the organization of the university need not be deferred any longer. Somewhat more than one-half of the land donation made by the Republic of Texas has been sold for about half a million dollars, and the proceeds have been either invested in five, six, and seven per cent State bonds, or held in ten per cent land notes. The sum—one hundred thousand dollars—appropriated to the university by the act of 1858, was borrowed by the State and afterward, in 1866, replaced by five per cent State bonds. The invested funds, therefore, amount to nearly six hundred thousand dollars, and, by the sale of lands are steadily enlarging. The accrued interest, at the close of the present year, will amount to more than two hundred thousand dollars, and the annual interest on the invested funds exceeds forty thousand dollars. The unsold lands are worth, at present, one and one-half millions of dollars, and their value is steadily advancing. The endowment funds, buildings, grounds, etc., of the department of agriculture, and the mechanic arts are valued at four hundred thousand dollars. The University of Texas is worth, therefore, exclusive of two hundred thousand dollars accrued interest, two and one-half millions of dollars; and this superb endowment is enhancing with the growth of the State in wealth and population. Few, even of the most famous institutions of the world, commenced their history on so generous a foundation. Neither Harvard nor Yale was so wealthy at the completion of its first centenary. No university in the country, outside of New England and the Middle States, is so richly endowed.

The wise liberality of the State in laying so broad a foundation for the university is the best guarantee that the means which may hereafter be needed to maintain, develop, and perfect it, will not be withheld.

November, 1880. Vol. 1, No. 4, pp. 91, 92, 93

THE UNIVERSITY OF TEXAS, by Oscar Henry Cooper, Huntsville

II. The recent remarkable development of interest in education of all kinds, which is manifested throughout Texas, affords conclusive and unquestioned proof that the spirit of progress has taken a deep and permanent hold on the destinies of the State. The people, no longer content with splendid provisions for the future, are demanding adequate provisions for the present. The sentiment in favor of free elementary education has widened and deepened until it has overborne all serious opposition. Normal schools, established by the State to train teachers for the public schools, and supported with unexampled liberality, strengthen this sentiment and crown its triumph. The reorganization of the State Agricultural and Mechanical College, which seems to have been made necessary by the departure of the institution from the purpose for which it was founded, shows that the State is taking hold of its educational problems with the boldness and earnestness which they demand. The various denominational colleges, and numberless local institutions of learning, though sadly hampered by want of resources, are, in general, more prosperous and more largely attended than ever before. In the meantime, however, increasing numbers of students are seeking in other States better facilities for higher education than are afforded anywhere in Texas.

The catalogue for 1879-80 of a university a thousand miles away contains the names of thirty-one Texans; that of another contains thirty, and the State has representatives in nearly all the Northern and Eastern colleges. More than three hundred\* young men went

\*Gen. Eaton, in a letter to the writer dated October 21, 1880, gives the number of Texans attending colleges in other States as 312. The returns of the Bureau of Education are confessedly incomplete.

from this State during the past year to pursue courses of study which might be taught in such a university as Texas may organize almost at the beginning. The annual pecuniary loss to the State from this source does not fall far short of two hundred and fifty thousand dollars. This is indeed one of the minor losses incident to the dependence of Texas on other States for its higher education, yet it is not an unimportant consideration in a new State, which needs all its capital and much more to carry forward the development of its well-nigh inexhaustible resources. The number of young

ladies attending college outside the State is probably twice as large and the expense proportionally greater.

This manifest and pressing want of adequate facilities for higher education, appealing to the newly awakened interest in general education, has led to a positive and wide-spread demand for the immediate organization of the University of Texas. This demand is justified by other and even weightier considerations. The control of society by the higher intellectual and moral forces necessitates the establishment and maintenance of institutions for higher culture, to anticipate the wants, mold the character, and guide the aspirations of "those who shall stand forth as the leaders of men." Texas contains hundreds of young men of high capacity and glowing energy, who earnestly desire a liberal education, but fail to obtain it from their inability to incur the outlay involved in long journeys and protracted residence at expensive colleges in distant States. The advancement of public education and the elevation of the standard of scholarship in existing schools and colleges throughout the State will be realized through the clearer light and fuller strength of the higher education. If, to these considerations, we add the humiliation to State pride of being held the "Barbary of Union,"\* and remember that we possess resources ample enough to satisfy the most exacting, it becomes manifest that the reasons for organizing the University of Texas at once are overwhelming. Well may Governor Roberts exclaim, "I am opposed to waiting longer; the posterity for whom this bounty was donated forty years ago are come. We of the present generation are the intended beneficiaries."† A resolution recommending the early organization of the University was passed unanimously by the State Teachers' Association at its last session, and a similar resolution was incorporated in the platform adopted by the Democratic party for the present campaign. It is gratifying to the friends of education everywhere that the immediate organization of the University, having been brought thus prominently before the public mind, has elicited no opposition from any source whatever, and it commands the unqualified support of the most enlightened and influential citizens of the State.

It is vitally important that the wise policy which has led to the accumulation of ample resources before commencing to organize should control in the delicate and difficult work of establishing and ordering the University. A mistake at this point might foreshadow

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\*Jefferson applied this name to the Old Dominion when he was urging the State to found the University of Virginia.

†In a letter addressed to the writer, March 31, 1880, by which the present discussion of the State University question was opened. It is fortunate for the cause of higher education in Texas that the State University had a champion so able and so trusted by all the people as his excellency, Governor Roberts, who has held the highest positions the State can bestow, and honored every position that he has held.



"the setting of a great hope," defeat the plan of the Founders of the Republic, and rob the future of a priceless blessing. Universities are perhaps the most complex products of modern civilization. Their power and efficiency are not, indeed, necessarily proportioned to their age or endowment—for some of the leading universities, both of Europe and America, are among the youngest—yet such an institution as Texas needs, and may establish, can not spring, a full panoplied Athena, from the brain of the wisest and most enlightened legislature. The best and safest course for the legislature to pursue would seem to be to entrust the organization and control to a carefully selected board of regents, who should be chosen for life or a long term of years.

The selection of the board of regents will thus be the most important duty to be performed by the legislature in connection with the University. This board, which may conveniently consist of the Governor, *ex officio*, and one member from each congressional district, should be made up of the best men in the State. Liberal culture, a catholic spirit, great practical wisdom, and the highest personal integrity should be indispensable qualifications for membership. In general, graduates of leading American universities, many of whom hold high positions in business or professional life throughout the State, should be preferred. The organization of the university, if committed to men of this character, will be accepted as an exalted trust, to be administered as a labor of love, in the light of the world's best thought, to the honor of the State and the benefit of present and future generations. If, then, the legislature, after ordering the election for the location of the University as prescribed by the Constitution, shall select a wise, able and earnest board and delegate to this board the entire organization and control of the institution in all its interests, it will deserve not only the gratitude of the people of the State, but also the applause of the friends of education throughout the country. One of the earliest duties of the board of regents will be the election of the president of the University. The importance of securing the counsel and guidance of an able president before the form of the University shall have been fixed is evident at once. The success of nearly all the leading American colleges has been due, in a large measure, to the guiding and inspiring minds of great presidents. The first president of the University of Texas should be preeminently an organizer. He should be conversant with the best systems of university organization, both in America and Europe. He should be alive to the growing demands which the present age is making for higher culture, and be able to so arrange the work of instruction as to fulfill the just expectation of an enlightened public opinion. He should also be familiar with the needs of the State, and in full accord with the State system of public instruction, of which the University

should be the strongest support and the chiefest glory. And lastly, he should be endued with somewhat of the wondrous power of him who,

"To his native center fast,  
Shall into Future fuse the Past,  
And the world's flowing fates in his own mold recast."

A good Governor for the State may be more easily found than a fit president for the University.

The solution of the many complex problems which are incident to the founding of any institution of learning intended to be a "possession forever" may safely be left to an able board of regents, guided by the counsel of a wise and experienced president. The most important questions demanding attention at the outset will concern the scope to be given to instruction in the University, the selection of suitable professors, and the erection of necessary buildings. Perhaps the earliest subject to be considered will be the plan of the University, the scope of its instruction. Which of the various systems shall be followed, the German, the English, the American college, or the "ideal American university?" It seems most probable that an able and enlightened Board of Regents, guided by the counsel of a president familiar with these different systems, will develop a new plan, combining some of the best features of all, yet differing from all in being adapted to the special wants of Texan society. In the present condition of Texan colleges it will be necessary to establish courses of study leading to baccalaureate degrees in Arts, Literature, and in Science. If the existing colleges and others which shall be established hereafter could be made to do a work similar to that accomplished by the gymnasia of Germany, and the University be thus left free to devote its resources to strictly university studies, every friend of higher education would rejoice. But such a scheme is wholly impracticable in Texas, and probably would be impracticable anywhere in the United States. If, however, the requisites for admission be made as high as those of the best eastern colleges—as for example of the newly founded Johns Hopkins University at Baltimore—the University will interfere very slightly with any of the existing colleges, whose work is chiefly preparatory. This direct loss to these institutions will be more than repaid by the good indirectly done in rousing their friends to increase their resources, and thus enable them to raise their standard. Only the *fungi* among institutions of learning will be endangered by the University; good schools will everywhere be strengthened. Courses of study leading to the higher degrees of Master of Arts, Doctor of Philosophy and Civil Engineer will be demanded at the outset, and students should be encouraged to seek these degrees by means of the system of fellowship which has been so fruitful of good results in various leading universities. The number and variety of the courses

of study, both graduate and undergraduate, will be determined by the greater or less conservatism of the board of regents, their knowledge of the experience of other institutions of learning, and the extent of the available resources of the University. The central life of the University will doubtless be in the liberal culture imparted by the courses of instruction in the departments of Literature and the Arts. The department of law should be established at once, and a department of medicine should probably be added at an early date. The generous foundation of the department of Agriculture and the Mechanic Arts should be at once broadened into a school of science, similar to the Sheffield Scientific School at New Haven, or the School of Mines of Columbia College.

The duties of instruction in the various departments of the University should be intrusted to gentlemen of such recognized ability and eminence that no Texan need leave the State to study anywhere, in this country at least; any subject which the University undertakes to teach. It will thus be the policy of the University to secure at the outset gentlemen of the highest culture and character for the professorships. The best men should be sought without regard to section or creed. Whether from Harvard, first in age and wealth, or Yale, "mother of colleges" and preeminent in science, or Princeton, so largely represented in the South, or the University of Virginia, the pioneer American university, or the University of Michigan, crowning a superb system of public instruction, such as Texas hopes one day to enjoy; whether from some of these or all or others, from American or European universities, men should be sought for the University of Texas, whose scholarship will command not only the confidence of the State and the admiration of the students, but also the respect of the world. To obtain such men, the board of regents will need much wisdom, patience, and liberality, for adventurous scientists, often strangely sustained by "letters of recommendation" from high sources, are ever ready with eager "applications" for responsibilities which the ablest and most profound scholars hesitate to accept. The culture and insight of the president should be utilized in the difficult but all-important task of selecting the right men for the professorships. Under proper management, the attractions of a new and well endowed university, located, we trust, in a beautiful city—the State capital—in a mild and wholesome climate, enjoying the unbounded confidence and affection of a generous and growing people, and paying salaries as good as the best, can not fail to secure such professors as the plan and purpose of the University demand.

The ability of the University to provide the best instruction will be greatly enhanced, if no attempt is made to erect costly and expensive dormitories. The present century has witnessed the decay of many ancient and venerable superstitions, among which must be



reckoned the belief that a university can not exist without dormitories. The results of the abolition of dormitories by the University of Michigan have been so favorable that, according to Professor Adams, "no officer of the university has ever desired that they should be reinstated." The Johns Hopkins progresses most admirably without dormitories, and to one acquainted with the German universities, the course pursued by some of the best colleges in this country of expending hundreds of thousands of dollars in building dormitories, which will be a heavy annual tax of thousands on the general funds of the college, seems unwise and extravagant. The income of the University of Texas will be better employed in paying the salaries of eminent professors and able lecturers, and in supplying the institution with a museum, extensive apparatus, and an ample and growing library, than in building imposing dormitories.

The question whether the advantages of inaugurating a university under the auspices of the State are not counterbalanced by peculiar dangers and difficulties has not been seriously considered in Texas. It is enough that facilities for higher education are greatly needed, and that the State alone is able to supply them. The farseeing policy, which has controlled in the accumulation of large resources, if continued in the organization of the institution, will preclude innovations not tending to broaden and elevate the scope and influence of the University. Of State universities, in general, it will be difficult to controvert the position of the able and accomplished Superintendent Pierce, to whom chiefly Michigan owes its admirable system of public instruction: "In respect to the assertion that State institutions do not, and can not flourish, it may safely be affirmed that the history of the past proves directly the reverse. The oldest and most venerable institutions in this country are emphatically State institutions; they were planted, came up, increased in stature, and attained to the maturity and vigor of manhood, under the guidance and patronage of the State. The same is true of nearly all the European universities. They are State institutions, founded, sustained, and directed by the State." It will not be safe to affirm that State universities "do not and can not flourish" in this country until the American people shall have lost its capacity for self-government, and the spirit of progress shall have forsaken the Anglo-Saxon race.

The University of Texas will commence its career under unusually favorable conditions. Founded by the Fathers of the Republic, and fostered for nearly half a century by the State, it will enjoy in the fullest measure, the affection and confidence of the whole people. Organized by the newly-awakened spirit of educational progress, its inauguration marks the incoming of a new era in the development of society in the Lone Star State. Great results can not, indeed, be expected at once, for early growth, if wholesome and enduring, must



be slow and gradual. The influence indirectly exerted in moulding public opinion, in elevating the standard of culture, and in unifying and invigorating the State system of public instruction will be very great from the beginning; the more direct, deeper, and more abiding influence resulting from the training and loyal devotion of a large number of the best minds in the commonwealth, will come later and more slowly, but it will come. May we not hope that an institution, so nobly endowed, and so sacredly guarded as this has been by the State of Texas, will be so wisely organized, so ably administered, and so generously sustained as to become not only an honor to the State, a blessing to the present and the future, and a strong aid to the progress of civilization, but also, ultimately, one of the foremost of American universities?

January, 1881. Vol. 1, No. 6, pp. 130-131

REPORT OF STATE BOARD OF EDUCATION, for 1880-81, reprinted, pp. 126-131

March, 1881. Vol. 1, No. 7, pp. 147-148

#### TEXAS UNIVERSITY

[Editorial, mostly consisting of a complete letter from Col. Ashbel Smith, later in the year made President of the Board of Regents.]

. . . . We are much pleased to welcome as a regular contributor to the columns of the Journal a writer so highly and so universally recognized for his learning and patriotism by our own people, and one whose worth and ability is not unknown in other States and countries. . . . Letter of Dr. Smith.

Referring to our conversation yesterday on the bill before the Legislature to establish the University of Texas, I beg leave to submit the following observations:

In order that the University shall be a success, that it shall, in its organization, furnish assurance of such management and instruction as the people and youth of Texas need, it is indispensable that the University be wholly exempt from all political control, and even from all political influence. No man possessing the high character, the knowledge and practical talent necessary for a first-rate professor, will accept a chair in the University if he is to be subjected to the contingencies of our frequently recurring political elections or his qualifications discussed and the prejudices of a partisan Legislature. All the *eminent* and *efficient* professors in the older institution of this country and in those of the old world agree in that they hold their chairs for life—that is, so long as they fill them ably and worthily. The power of removal—as well as of appointment—must reside somewhere, naturally, in the Board of

Regents, who also by the long tenure of their office should be exempt from the political influences of the hour. The removal of a portion of the Board every two years, as provided for in section 6 of the bill, sufficiently subordinates the management of the University to the wholesome control of public opinion.

The location of the University is of the very highest importance. The Constitution submitting the location to a vote of the people, fixes the manner of making this location. I confess that no point in the starting of the University strikes me as of equal importance as this one question of location. Other errors, other missteps, negligent or unadvised action, can be remedied by the Board of Regents, or, if needed, by subsequent legislation. The location once made by popular vote, is established for all time to come. In my opinion there can be only one suitable place for the University, and that is the seat of government, the city of Austin. To set forth the argument in favor of Austin, even incompletely, would fill a long letter. Austin is pre-eminently healthy, it is easily accessible by railroads from every section of the State. Among minor considerations, and yet of no inconsiderable weight, is the abundance of magnificent rock for building in its immediate neighborhood. But the great argument in its favor, in my opinion, is this: that it is the seat of State government and one of our large cities. You can't have a first-class University if located in the country, nor if located in one of what may be called our provincial cities, though these be prosperous, situated in rich agricultural districts and doing a large commerce. Houston and Galveston are the two great coast cities, but they must be ruled out as being subject to the scourge of yellow fever. In Austin are assembled from time to time the highest courts of law of the State and the local court of the United States; here are the officers of the State government and the distinguished men who preside over them; here the Legislature meets; here are found distinguished members of the professions—doctors, lawyers, preachers, the equals of any to be found elsewhere in Texas. Such presence embracing the above and more are a stimulus of *healthful* ambition to the ingenuous youth of Texas, which no cool grottoes of the isle of Calypso nor groves of Acadia can even approach much less equal. The presence of eminent men, honored by their fellow-citizens, discharging public duties fires the heart of the ingenuous student to attain to like honor and distinction. Besides the eloquence of the bar and the eloquence of the pulpit, there are the debates of the houses of the Legislature which at least are schools of practical oratory the most effective for the transaction of business. But not the least, but perhaps the most precious advantages to the youth of the University, if located in Austin, are that miscellaneous knowledge acquired in frequenting the society of eminent men ad-

verted to above. Such knowledge cannot be acquired from books. This society softens, forms, cultivates the manners, to which should be added the purifying, restraining influence of the gentle, cultured society of the other sex. I am not half done with this topic, but I must break off with the simple observation that all experience has shown that in institutions of learning located in cities, in large cities, the young men behave better, are more amenable to good government than in institutions located in villages. In large cities the students are in reach of a vast variety of miscellaneous knowledge of incalculable value relating to industrial institutions as manufacturers, the mechanic arts, and the multitudinous business of life. Ignorance of matters adverted to in the preceding sentences justifies to no small extent the reproach that university education turns out of a young man unfitted for the practical business of life.

None of the funds of the University should be wasted in building large structures to serve as dormitories for the students. It is even worse than pure waste of money. Nor should there be college commons where the students eat in mass. Private boarding-houses under proper authorization by the faculty are favorable to better conduct, to cheapness of good living, and also to a variety suited to the different purses of the undergraduates than are university commons. Experience is decisive on these points. The building of houses for residence of professors may at least be postponed.

The Senate has acted wisely in providing that the medical department may be located separately, that is, in a city other than where are located the other departments of the University. But my letter is already so long that I defer this and other points of interest to a separate letter.

. . . tho' hastily written, the opinions expressed are the results of much careful observation. In a subsequent letter I propose to take up several other points of great importance . . . I propose especially to speak of the great and most salutary effect of a well-grounded and well-managed State University in our State of Texas on the greater development and bettering of our Common Public Free Schools.

**March, 1881. Vol. 1, No. 7, pp 153-154**

The Regency of the University, by Professor O. H. Cooper

[Reprint of part of Professor Cooper's paper in November, 1880, Journal.]

**April, 1881. Vol. 1, No. 8, pp. 183-184**

[Gives in full S. B. 98, Seventeenth Legislature.]

**June, 1881. Vol. 1, No. 9, pp. 196, 197, 198**

**THE UNIVERSITY OF TEXAS CO-EDUCATIONAL, by Mrs. Jenny  
Beauchamp**

[Mrs. B. hopes that there will be no attempt to make such regulations as will keep the girls out of the University; quotes copiously from eight educators in favor of co-education; refers at some length to Vassar College which is to some extent the inspiration for Queen's College at Girtton; quotes from President Warren of Boston University in favor of co-education; and concludes with an appeal to the women of Texas to be on the alert and to keep Texas University co-educational from the start.]

**June, 1881. Vol. 1, No. 9, pp. 198-199**

**THE UNIVERSITY OF TEXAS, by H. M. Dillard of Cameron**

[Outlines the multifarious functions of the University and urges Austin as the site for such an institution.]

**July, 1881. Vol. 1, No. 10, pp. 214, 215, 216**

**WHERE SHOULD A UNIVERSITY BE LOCATED—Editorial**

["Austin is adapted to stimulate, assist, encourage, ripen and fully mature each and every faculty of the moral, physical, and intellectual man more fully and harmoniously than any other place in the State known or unknown to fame"; "assuming that Austin is not wholly without a vicious element, it possesses greater social advantages as compared with a university located in the mountains of San Saba"; "universally conceded that Austin is one of most healthful sites in Texas"; quotes statistics showing remarkable healthfulness of inhabitants of Austin, and wonderful climate.]

**October, 1881. Vol. 1, No. 12, pp. 246-247**

[Result of vote on the location of the State University, by Editor.]

**December, 1881. Vol. II, No. 2, pp. 31-33**

[Reprint of the Proceedings of the Board of Regents, First Meeting.]

**February, 1882. Vol. II, No. 4, pp. 57-58**

**Governor Roberts' Address to the Stockmen.**

[The Journal prints extracts of Gov. Roberts' address "wherein he gives valuable suggestions with reference, not only to our great school interests, but with reference also to all the leading material interests of the State."]



**February, 1882. Vol. II, No. 4, pp. 59-60****ENDOWMENTS OF THE UNIVERSITY OF TEXAS, by Editor**

[Enumerates the original 222,400 acres Act of 1839; the 10 per cent of amount of lands granted to railways Act of 1858; and the 1,000,000 acres granted by the Constitution of 1876, which, however, took away the lands granted by the Act of 1858. Calls attention to an apparent conflict between Sections 3 and 8, Article 10, Constitution of 1866. Urges the granting by the Legislature of 3,000,000 acres to replace the equal amount taken away by the Constitution of 1876.]

**March, 1882. Vol. II, No. 5, pp. 69-70****ORGANIZATION OF THE UNIVERSITY.—By the Editor**

The Governor, in his proclamation convening the Legislature in extra session states as one of his objects:

"To take such action as may be necessary in regard to the University of Texas, and its branches, in everything relating to their government; to the relation between them; to the increase and disposition of their funds; and to take such further action as may be deemed necessary and proper in any and every respect for the support and maintenance of the Prairie View Normal School, and for the discharge of its debts and liabilities."

Under the operations of an act passed by the Seventeenth Legislature, the University was located and regents appointed. As required by the terms of said act, the regents met November 15, 1881, for the purpose of effecting an organization, and to take such preliminary action as might be deemed necessary to the early establishment of the University.

The regents, however, were met at the very outset of their work with the painful fact—the lack of "available funds"; there being, according to their investigations and report, for all purposes, only \$37,025 on hand, while for the erection of buildings alone, the act of March 30, 1881, allowed \$150,000, and for apparatus, furniture, etc., an additional \$40,000. While the information gained by the board at this, their first meeting, respecting the funds of the university, and the various sources of revenue from which these are derived, was very valuable, yet there is still much vagueness, and want of actual assurance as to the certainty of realization at a given time. That there are abundant sources rightfully and legally belonging to the university to put it in active operation at an early day, there is no doubt.

It is to this important duty that the Legislature is requested by the Governor, to turn their attention while in extra session. It is to this "trust," so long "in trust," that the youth of Texas specially ask the careful consideration of our legislators at this important meeting.

The Governor, in his speech before the stockmen, thus classified the educational interest of the State: "Common schools for the millions, colleges for the thousands, and universities for the hundreds."

The Governor means the highest education for the few, liberal education for the many, but education for all.

The latter, or common schools, have not been as largely or as liberally provided for as their friends might desire, still, the most ample provision has been made for the normal schools, which means better teachers and more of them for the common schools.

The most ardent friends of the necessity of normal school training for teachers cannot complain, when it is recollected that the State is now supplying the normal school scholars, at Huntsville, not only tuition, but board and books to the amount of \$18,000 per annum. Neither can the friends of industrial education complain, when it is known that in addition to free tuition to all students, the State provides board and clothes, and text books, too, for about ninety-three cadets at the Agricultural and Mechanical College.

Let the extra session correct the legislation of years ago, by which the university really became dispossessed of large property in lands; let them set at rest the seeming "conflicts between sections 3 and 8, article 10, Constitution of 1866"; let them pass all necessary laws by which the funds actually accumulated, and what may accumulate, can be at the disposal of the regents, so at their next meeting they may organize this institution really provided for by the fathers of the Republic.

Prairie View Normal School, as it is now designated, should be as liberally supported as any other State school. It should either be assigned its first and original place as a "branch" of the Agricultural College, and receive its support, as that institution does, from the fund of the congressional grant; or it should be made a normal school for the education of colored teachers, and receive the support of a normal school, as the Huntsville school does, from appropriations made by the Legislature for that purpose.

The Governor, too, in that same address to the stockmen well said: "We need a higher education just as much as we need the lower."

Texas needs this university as one of the buttresses upon which must rest her grand educational arch, the common school being the other.

No public school system is complete without a State University to crown it. No educational system is thoroughly equipped without the university as the great focal lens, concentrating the intellectual rays and sending them back intensified to light up the whole State.

While the Legislature must and will furnish the ways, and the means, too, to do this, the board of regents must be considered the

actual architects, the real builders of this university whose foundations shall be learning and wisdom, patriotism and religion. "Architects (from a distance) will offer plans with a view to imposing grandeur—to outward appearances." These will, it is feared, impede the progress of organization.

The middle ages have not built cloisters for us, why should we build for the middle ages? We do not need monumental piles. Had the money that has been sunk in brick and mortar in this country during the last twenty years been judiciously invested, the salary of every professor in America might have been doubled at this moment.

The city of Philadelphia expended two millions of dollars upon Girard College. It succeeded in building a Grecian temple that is the wonder of the visitor and the terror of the teacher. Of the income of the Girard estate in 1880 (\$810,397), \$350,112 was expended in repairs on Girard College the same year. How different the example of the great Bismarck. Within three years from the annexation of Alsace, the German government re-established the university of men—live men; and the ultimate test of a university is its ability to command, to secure and retain learned and enthusiastic professors.

But if an example, nearer home, is necessary, the Johns Hopkins University began in rented rooms, and as yet has not any separate and distinct university buildings.

Strassburg with eighty professors and over six hundred students has not a single building that it can properly call its own. This was not for the lack of funds. Bismarck knew too well that the strength of a university did not consist in dead buildings—mere mortar and stone, decorated by the fanciful designs of the architect. But the work in the Johns Hopkins is more circumscribed, and the character of the instruction more in the light of investigation purely than is contemplated by the University of Texas, or the State universities generally.

There is a pressing need for this university at this time. The young men of Texas demand it. They are leaving the State not only in scores, but by hundreds, seeking in other States, and even in foreign countries, what should be prepared and furnished them at home.

This university will have for its object the training of young men who are largely to be the controllers of the State, whether in the humbler walks of private citizens or in the higher and more responsible duties of professional life. The people of Texas at present are from the ends of the earth, but the sons of these fathers will have a oneness of country and a oneness of purpose in life—the developing, and improving, and ornamenting their State—making her famous among her sisters. A State pride will be fostered; there will

be an indescribable crystallization of the higher sentiments—duties to our country and to ourselves, in morals and manners, and religion—brought about by attending this university. Young men meeting and mingling together, laboring and rejoicing at the same time, in the same departments of learning, in the same lecture rooms, in the same laboratories, in the same libraries, in the same museums, in the same gymnasiums, upon the same playgrounds, in the same churches, at the same altars—these are the associations that cultivate imperceptibly the *esprit du corps*, the prevailing spirit of culture, and study that must and does infuse itself into the minds and hearts of a body of young men receiving, and imparting too, the daily instructions of conscientious, learned and enthusiastic teachers, all mellowed and hallowed by the sweet influences of polite society.

It is not expected that this university will come forth fully equipped in every particular, like the fabled birth of Minerva from the brain of Jupiter, but it is confidently believed that a people with the capacity of building up every other department of the material interests of the State, can safely be entrusted to found and to organize a State University which shall be second to none on this continent, except in age.

April, 1882. Vol. II, No. 6, pp. 85, 86, 87, 88

THE UNIVERSITY OF TEXAS. By the Editor

[The author urges that a college is quite different from a university; then adds:]

"The word 'collegium' signifies a collection, or rather our word selection. A college has for its purpose culture as an *end*, and relies upon the selection of a few well-tried leading branches of instruction, such as the classics, mathematics, logic, mental and moral philosophy, as the prominent studies embraced by the curriculum.

The manner of instruction, the discipline (in the sense of government), is very different in the college from that in the university. In the college the students are held to close class recitations, and hence the standard of proficiency is for the mediocre; the bright and industrious are held back, while the dull and the laggard ones are helped up. The professors, or rather tutors, meet the students daily in the class rooms, come in close contact with each one separately, 'hears him recite and marks him.'

"The president in the college is emphatically the head—not only is he the ruling, controlling spirit of the faculty, but of the board of trustees or managers. None of the professors are expected to approach, much less rise superior to him, in literary ability or in personal popularity. He is the standard, and hence the college is what he makes it, or permits it to be. In the college family the president is truly '*in loco parentis*.'



"What is a university? The Roman law term *universitas* means 'a corporation,' but the academic term implies a corporation for teaching and studying all knowledge.

"But within narrower bounds the university may be said to involve these two features: First, it is a school for general knowledge. Second, a collection of special schools for preparation in one, two or three of the learned professions."

[The author urges that in a university the faculty should select its own chairman; quotes from Mr. Cornell: "I would found an institution where any person can find instruction in any study"; urges the establishment of a Department of Philosophy; urges the need of modern languages, modern thought and modern sciences; stresses the importance of English; expresses the opinion that there ought to be three professors of law and five professors of medicine; urges the establishment of a school of dentistry and school of journalism; thinks that the "didactics" of science teaching should be taught in the College of Arts; urges that university faculty should be "Quam fluctus diversi, quam mare conjuncti"; urges convenient buildings, but inexpensive; urges co-operation between the high schools, denominational schools and the University; congratulates the State on the selection of Austin.]

April, 1882. Vol. II, No. 6., pp. 88-89

BE JUST. By the Editor

[Urges the repayment with interest of money taken from the University by the State, also of lands taken by the Constitution of 1876; if done, assets of \$3,665,379 would result.]

May, 1882. Vol. II, No. 7, pp. 102-103

#### SCHOOLS—ELEMENTARY, NORMAL AND UNIVERSITY

That valuable and conservative paper, the *Dallas Herald*, in a letter from the editor at Austin, published the following in its issue of April 21, 1882: . . .

"In conversation today with Mr. Hollingsworth, Secretary of the State Board of Education. Concerning the University, he said that to make it a success, more means than now appeared were indispensable to sustain it properly.

"He thought that at least 4,000,000 acres of the unappropriated public domain should be granted by this session of the Legislature. Tuition in this University, he insists, should be free to all, the rich man and the poor man as well. His proposition, as I understand,

is this: That the University students should be students from the county academies, while those in the county academies should come from the county schools, and that admission should be determined by competitive examination, and that each county in the State should be entitled to send at least one pupil to the University under the State's expense in all things, and such are to be selected on competitive examination from the pupils of the county academy.

"With the common schools endowed with some 32,000,000 acres, and the counties endowed with 17,712 acres, originally designed by the founders of the Republic for the establishment of a free county academy; with a University endowment of \$500,000 in bonds, and say 4,000,000 acres of land, surely the future educational interest of the State may be made, under proper and judicious management, adequate to the demands of the whole people, and commensurate with the anticipations of the founders of our government and the friends of enlightened progress."

The plan of organization of our educational system, briefly outlined in the interview above quoted, is in the main correct, and with one exception presents the views of the JOURNAL on this subject. The exception is this, the JOURNAL does not ask that students shall be admitted into the State University exclusively upon competitive examination. It was intended in said interview to say that a part of the students of the University should be composed of students selected or chosen from the free county academies upon competitive examination, and that said students should be partially sustained by the State. This suggestion is merely prospective, and is only indicated as a policy that should be adopted when the counties shall have established, as originally designed by the founders of the Republic, a free county academy, and when the University shall have been endowed with that liberality which its importance and which the greatness of the State demand.

The JOURNAL believes that the best interest of the State would be subserved by making provisions for the establishment at the earliest day practicable, in each county in the State, a free county academy or high school, the students of said academy to be composed in part of students chosen from the elementary schools of the county upon the competitive examination. In this way the best talent could be secured and the greatest interest in the elementary schools, upon the part of the pupils, teachers and parents, be aroused. Each student would constantly have before him or her a prize to be won; each teacher would be stimulated to his utmost exertions to win the honor of sending to the academy the best qualified pupil, and each parent would be wrought up to the highest enthusiasms to secure for his little girl or boy the distinguished honor of a free scholarship to the academy. The same influence would operate in

the case of the race in the academy for the prize of a free scholarship to the University.

Each principal of the academy would be ambitious to send to the University the most capable student, and each county would have a pride in contesting for the honor of furnishing to the University the most distinguished scholar. This feature, if adopted, will not, as some seem to think, redound to the interest of the rich.

The race will be open to all, and there need be no fear that the industrious poor boy or girl will be distanced. The history of competitive examinations for admission into the Sam Houston Normal Institute and for admission into the United States military and naval academies show that those who, from want of wealth, had been trained in the schools of labor and economy, and thus learned to appreciate the value of time, money and opportunity, have, in a majority of cases, carried off the prize. This system of competitive examinations prevails in England, not only in reference to schools, but also in the civil service in this country, in the custom house in New York. And the sooner this policy is adopted throughout the whole country, with reference to civil service, the better it will be for the government.

**July, 1882. Vol. II, No. 9, p. 139**

**A SOUND PLANK. By the Editor**

[The editor compliments the State Democratic Party on the Educational Plank in the platform.]

**July, 1882. Vol. II, No. 9, pp. 140-141**

**EDUCATIONAL OUTLOOK IN TEXAS. By Mr. W. H. Foute**

[The author comments on the unsatisfactory and unprogressive state of education at the time; recommends the appointment of state superintendent; compliments the Journal of Education upon its good work; hopes that Board of Regents will exercise wisdom in selection of professors; urges the maintenance of the sixteen summer normal institutes; comments on healthful state of education throughout the State; and urges further effort.]

**August, 1882. Vol. II, No. 10, pp. 149-150**

**DR. ASHBEL SMITH'S VIEWS IN REFERENCE TO THE SELECTION OF THE UNIVERSITY FACULTY**

[Quotation from the Houston Post.]

I need not say that the people of Texas feel a profound interest in the University of Texas. My relation to the organization of the University leads me, as a matter of course, to read whatever I may

see in the newspapers in the way of criticism or suggestion concerning the University. Very probably there is much published that escapes me. In what I have met with have been not a little incorrect statements of facts, allegations, too purely imaginary, of the acts of the Board of Regents, of the University. There have been, too, the honest prejudices of preconceived opinions. Personal interests and personal objects, favoritism and prejudice in the organization of the personnel of the University, and hostility absolute to the University and to the establishment of any university whatever in Texas, have been thinly veiled, have been attempted to be concealed, under insidious suggestions of judicious delay in the organization of under insidious suggestions of judicious delay in the organization of the University. All this opposition was confidently looked for. It is the uniform repetition of the same chapter of hostility which every considerable public institution has had to encounter in its foundation. Common schools experience today in Texas more or less of similar hostility. It would be strange indeed if the establishment of the University of Texas were to escape it.

The people of this State wish, demand, that the University of Texas be organized; that it enter on the performance of their high purpose of placing thorough home instruction within the reach of all their youth so soon as it can be done. They will not brook idle delay.

The Board of Regents, at their May meeting, resolved that, at their next meeting, to be held on the sixteenth of August, they would elect a portion of the professors of the University, and they made public report of their proceedings. The regents were sharply censured at the time in the newspapers because they had not provided for the selection of professors at the meeting of the Executive Committee of the regents in June. It would, forsooth, save money—the public money—and dispense with the August meeting. The choice of the professors seemed as off-hand a business as the selection of officers of a county convention. A smart writer in an Austin newspaper, over the signature of "Citizen," waxed indignant at an imaginary "advertisement" for professors, as it would flood the regents with worthless recommendations of incompetent applicants. He was grandiose over the idea that office should seek the man. "Citizen's" "advertisement" was the report of the regents of their proceeding in appointing a day for an election of some professors. Now, however, within a few days, the regents are favored with widely different advice, though there has been no change in the general condition of circumstances of the University. The regents are advised with the flourish of trumpets of argument not to elect any of the professors at the present time, but to defer the whole business for more than a year hence, until the fall of 1883. They are admonished "to enter into preliminaries to secure the best men in the



country." They are seriously requested to wait for a political cataclysm in Virginia, which is about to overwhelm the University of Virginia and turn the professors of that noble institution loose upon the cold charities of the world, some of which professors we may hope to fish up for our use here in Texas. "When the sky falls we shall catch the larks." Seriously, I have not so learned the people of the grand old State of Virginia. They are not going to sacrifice [to] the Moloch of the hour, the noble university of their State, whose development and expansion have placed it on a lofty plane level with the best institutions in America. "Preliminaries" to secure the best men in the country, forsooth! As if the Regents of the University of Texas, profoundly conscious that the selection of professors is the most important and most difficult of all their work, had sat down idle, unconcerned, inactive, without making an effort to ascertain the most competent, the most fitting men for chairs in our University. The correspondence of most of the regents on those personal matters is, I believe, large. My own is voluminous, and being to some extent personal, is to that extent confidential. But I shall lay every letter from applicant or friend before the Board of Regents at the proper time. In the meantime, I have been careful not to commit myself, even by an inferential promise.

We ought not at the first elections fill all, or even a majority of the chairs, which, as we trust, will constitute, even at an early period, the faculty of professors and teachers of the University. In my opinion, the Board of Regents should not elect more than five or six professors, if so many, at the first elections. These should be men distinguished for their attainments in their respective departments, for capacity in imparting knowledge, as evidenced by some reputation at least already established, and they should be in harmony with the surroundings of the University. The chairs to be first filled should be those of leading practical importance. It has been found, by experience in similar cases, that the gentlemen selected are of indispensable service in co-ordinating the studies of the University, and in completing its general organization, and especially in co-operating with the Board of Regents in filling suitably the remaining chairs. This latter is an important consideration in securing a faculty, all whose members should act in good harmony with their several colleagues. Men of large scholastic attainments are often found possessed of a disposition to antagonize any associates, with baneful influence on the prosperity and harmonious working of an institution like a university.

Having in view the opinion expressed in the preceding paragraph, ought professors to be elected now, or should their election be delayed for a long period, upwards of a year, to allow a chance of success to personal interests, and in deference to the hostility scarcely veiled under the advice for delay? Men qualified for the professor-

ships in the University of Texas are not standing idle, as it were, in the market place. It is a presumption in almost every case that fitting men have engagements running through months, or for an indefinite period, and that months are necessary for the completion of such engagements, or for honorable release from them. It is a fair presumption against any one claiming to be a scholar or scientist, that he stands idle—having nothing to do. In a new institution, we can scarcely expect to find a fitting gentleman who will not need a considerable time for the equipment and arrangement of instruction in his department. It is necessary, therefore, if we would have fitting men and avoid the crude and defective preparation dwelt on by the advocates of delay, that they be selected some time beforehand. No objection lies on the score of economy. Salary will not accrue until a university officer enters on the discharge of duty.

People in Texas demand that the University of Texas shall be established and go into practical operation with as little delay as is consistent with thorough work—an university of the first class, which shall place, free of charge, thorough, practical instruction within the reach of our youth—of our youth of all conditions of life, giving them a home education. To do so is the determination of the Board of Regents, as promptly as can be safely done. They will not waste time, though on their guard to avoid illustrating the adage "the more haste the worse speed." Some preparations must be made consecutively. The organization of a faculty, if done judiciously, is consecutive work.

If this memorandum were not already so long, I should have something to say on the financial condition of the University means. The indefeasible University funds are not so meagre as it suits interest, prejudice and hostility to represent them. Upwards of 1,000,000 acres of land, which can be readily utilized to yield a large annual income; bonds drawing interest, which, in the opinion of every honest man, should be restored to the University, as they represent money belonging to the University covered over to other uses by the State, their restoration to the University may be considered a matter of certainty—cash in hand and cash-drawing bonds. It creates in me no apprehension that nothing was done by the House of Representatives at their recent limited session. The bills of the Senate were not acted on, because members were absorbed by measures of more pressing interest. It was simply nonaction, not opposition to the University. At the recent Democratic convention the great heart of the people of Texas spoke out their will in the University plank of the platform. I have no fears of the representatives of the people of Texas.

As already stated, there exists a large university fund. Able professors for "an university of the first class" cannot be secured

by meagre salaries, nor by idle promises of large ones. The Regents of the University are practical men, and will not plunge into painful embarrassments, but use their available means as to them shall seem wise. As to waiting to see whether the next Legislature will come up and co-operate with the Regents, if earnest in their great work, rather than if they fold their arms, and, Micawber like, wait for something to turn up.

For the opinions herein expressed, I beg to disclaim for the Board of Regents all responsibility. When the board meets, it will confer on the matters in question, and I shall be guided by the decisions of the board. The newspapers of right, present criticisms and suggestions to the Regents of the University, and these criticisms and suggestions are entitled to respectful consideration. If I have seen a side purpose or thinly veiled hostility to any university whatever, I have, nevertheless, as a regent, carefully considered it, and left it there.

The people of Texas demand a university of the first class. To carry out this demand the Regents have been appointed. They have contracted for the erection of a university building on the university grounds in Austin, and the work of building is now being pushed forward vigorously, and the money is now in hand, and available, to pay for the work as the building progresses to completion. They will not slacken their efforts. The people require that the University be established; they do not want to be fobbed off with plausible reasons for doing nothing.

September, 1882. Vol. II, No. 11, p. 180

[Extract from Houston Post concerning Regents]

These frequent changes in a body whose grave work requires it to be a continuum, in order to be efficient, are much regretted. Under existing circumstances, it is difficult to insure greater permanency. The distances to be traveled in the performance of duty are very considerable; besides, the loss of time, personal expense, the interruption of current work, all combine to make the duty of a regent an onerous and exacting one. Nothing but full pay or different conditions can legitimately give permanency to the board. The honor is considerable, the work is of the highest and most important character, but after a while honor pales and ambition is sated when the pocket suffers and important interests must be neglected. The pay of the regents is merely nominal, and yet some wise-acres have been growling about their greed and selfishness! This kind of talk drives out of the service of the State high-spirited and representative men, and leaves a great office to go a-begging. Perhaps it would be prudent to cut down the number of regents, and

to place them on the pay list. Something like this ought to be done, at least while the exacting work of organization is going on. Either this, or the board will be obliged to work chiefly by an executive committee composed of gentlemen residing near the University. Under the circumstances, the regents are required to perform a heavy task, and are, in the way of compensation, rewarded with harsh criticism and ingenious aspersions of their motives and character. Every good citizen should hold up the hands of the board and encourage them to the utmost in their really difficult duties. It is simply shameful to carp at the work of those who certainly are not laboring for pay, and upon whose exertions one of the most important interests of the people depends.

October, 1882. Vol. II, No. 12, p. 190

DIDACTICS IN OUR STATE UNIVERSITY. By the Editor.

We do not believe that there is in the broad limits of the State, a teacher devoted to his profession who would not rejoice at the establishment in our State University of a chair or department of *didactics*. Such teachers would recognize such action by the honorable Regents as a worthy tribute to a grand and noble profession. It is further believed that such teachers, influenced by a laudable desire to have their profession thus honored and thus dignified, and the whole country correspondingly benefited, would heartily co-operate, even to the extent of contributing from their own limited means, in an effort to establish such a department.

All great universities are largely indebted for their success to private endowments. The government lays the foundation and inaugurates the work; private philanthropy, from year to year and age to age, builds upon the foundation and enlarges the work, until every department of art, science and learning is represented, and the institution becomes in truth and in fact a temple of universal knowledge.

We have in Texas men who love the State, who participate with a feeling of conscious pride in the heroic memories which illustrate and adorn her history. Men who anticipate with the same feeling of pride a future worthy the proud recollections which cluster around the past—a future whose grand achievements in civilization shall be worthy a place on the page of history which recounts the martial deeds and statesmanship of patriot fathers. There are many of this class of men who are happy in the possession of large means, realized from the opportunities which Texas and the people of Texas have afforded them for accumulating wealth; and we believe if they were approached with reference to the endowment of a chair of didactics in our State University, that their philanthropy.



stimulated by State pride, would be found to be as great as their means.

There are other chairs that we must look to generous friends of broad culture, both resident and non-resident, to endow; but we are specially interested in the chair of didactics, and are anxious to see the teachers of the State take the matter in charge and push it to speedy success.

Let us, as teachers, show our zeal and faith in the importance of the work, by giving, however small may be the sum, and however poor we may be, something to the endowment fund. Many small sums, with here and there a large one, will soon swell the amount to thousands.

We need for this endowment \$50,000, and we have faith that the teachers of the State, although they be poor, with the assistance of generous and noble friends, can raise this sum by the fifteenth of next September.

There are not less than one thousand men in this State, any one of whom could give one-half the amount, and scarcely realize that their bank account had been reduced. Some of these men, it is true, will not give anything, but on the other hand many will give \$500, \$1000, \$2000 or \$5000 freely, gladly, proudly. What say you teachers? What say you friends of education? What say you men of Texas, who love your State and people, and who hope for Texas a future without a parallel in the annals of civilization?

**October, 1882. Vol. II, No. 12, p. 191**

Letter from Ashbel Smith, President of Board of Regents.  
Mr. F. A. P. Barnard, LL. D., President of Columbia College.

Dear Sir: I trouble you by request of the Board of Regents of the University of Texas, and for reasons which I shall briefly state further on.

The people of Texas, through their Legislature, and in conformity with a requirement of the State Constitution, have undertaken to establish a "university of the first class." For its organization, a board of eight Regents have been appointed. One commodious building for the University is now in progress of erection on University Hill—forty acres in the city of Austin. This building is to be completed and ready for use on or before the first of June next (1883). The University, it is provided, is to be open for the admission and instruction of students at the usual commencement of the scholastic year; that is, on or about the first of September, 1883.

The institution is considered to be on a solid financial basis. After paying for the University building now erecting \$59,000, the University will have an annual income, at present, of \$35,000, besides a large amount of lands, which can be utilized so as to afford a large additional income.

The Board of Regents regard the selection of professors as the most difficult and most important of their duties. At their meeting in August, Judge Cooley, of Michigan, and Dr. Wm. T. Harris, of Concord, Massachusetts, were appointed to chairs. Previous engagements have rendered it impracticable for either of these gentlemen to accept such appointment.

The Regents have also deferred the organization of the University in its several departments until they shall have the counsel and co-operation of some of the professors who may be hereafter selected.

The University act makes no provision for the office of chancellor, or of a permanent president of the faculty. I may here state that the Regents appear to have settled on a sum, or sums, ranging from three to four thousand dollars as a suitable salary for a professor.

In the selection of professors, the Regents aim to appoint gentlemen already eminent for their scholastic and scientific attainments; also possessed of capacity in imparting knowledge, of administrative talent, and of a disposition to harmonize with their colleagues. They will seek such men wherever to be found. It is, too, the determination of the Regents to keep the institution free from the taint of partisan politics, and from local and sectional prejudices.

The Regents have appointed the fifteenth of November next for a selection of several of the professors, and for the transaction of such other business as may come before the board.

As intimated above, I have been especially requested by the Board of Regents to write to the heads of our first universities, and to other distinguished educationalists, for information embracing the names of gentlemen competent and fitting to fill the chairs in the University of Texas, and the designation of the departments of knowledge in which they are severally distinguished. On behalf of the Board of Regents, I respectfully beg your aid in this important matter. All communications of this nature, on account of their great delicacy, will be held in strict and honorable confidence, and utterly withheld from the press and all other intrusive inspection.

You may, if disposed to favor our University, write to me at the place above written, or at Houston, Texas.

**November, 1882. Vol. III, No. 1, pp. 1-2**

MEETING OF THE STATE UNIVERSITY REGENTS. By the Editor

Writer lists the first five professors elected on November 16, 1882: Waggener, Humphreys, Mallett, Roberts, and Gould; describes briefly the laying of the cornerstone; mentions the election of Brown on November 18.

**December, 1882. Vol. III, No. 2, pp. 28-32**

**Texas University. Ashbel Smith**

Reprint of Ashbel Smith's address at the laying of the cornerstone; catalogue for 1883-84, pp. 53-65.

## PROCEEDINGS OF THE TEXAS TEACHERS' STATE CONVENTION

Houston, July 4, 1866, Appendix, pp. 10-12

### MEMORIAL TO THE LEGISLATURE

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1. With the means at hand, the foundation of a great State University should be laid, which shall know neither sect nor party, but respect and admit to rights and honors all sects and parties not in conflict with obvious considerations of virtue and intelligence, upon a common platform. We would not be guilty of the folly of suggesting the ways and means by which such an institution should be established, to a body presumed to be conversant with the resources of the State, and charged with the work of enacting laws efficient to accomplish any great measure of public necessity. But we would call the attention of your honorable body to the urgent necessity of connecting with a State University a Normal School, for the qualification of teachers for their great work. That a State University may be successful and not conflict with existing denominational institutions, your memorialists would beg that in its charter it be so founded as to place its course of study where the ordinary collegiate courses of study of denominational institutions end, thus attracting the good will and concentrating the friendship of all parties in Church and State. . . . .

WM. CAREY CRANE, Chairman.

The above memorial was recommitted to the committee with instructions to conform their memorial to the following resolutions:

*Resolved*, That in the opinion of this Convention the time has not arrived for the establishment of a university. But, as such an institution can not be improvised in a day, it is the duty of the Legislature to conform its action in the future so as to be prepared to establish it as soon as it may be required.

**Eighth Annual Meeting, Fort Worth, June 26-29, 1888; p. 7**

The following resolution offered by E. B. Carruth was adopted:

*Resolved*, That we, the teachers of the free schools of the State of Texas, do recognize the State University as the head and center of the educational system of our state. And furthermore we endorse it and recommend it to the citizens for patronage.

**Seventeenth Annual Meeting, Austin, June 17, 18, 19, 1896; p. 89**

This meeting was held in the Main Building of the University of Texas.

Mr. Blair of Temple offered the following resolution:

Resolved, That the T. S. T. A. hail with pleasure the restitution of the chair of pedagogy in the State University, that we heartily endorse the board of regents in their action and that we pledge to the University our continued loyalty and enthusiastic support.

This was received with applause and unanimously adopted.

**Twenty-Third Annual Session, Waco, Dec. 26, 27, 28, 1901; p. 14**

#### REPORT OF COMMITTEE ON RESOLUTIONS

Be it resolved by the State Teachers' Association that we hail with delight the recent evidences of the progress manifested, and the greater prevalence of the idea that school positions should be filled by school men. We are especially pleased with the trend of thought in our State University and in the various denominational universities and colleges that indicates a greater respect for and interest in pedagogical questions, that these institutions, while giving a broad and thorough scholarship, also recognize that the successful teacher as well as the successful lawyer or doctor, must receive professional training. The acts of our legislature in establishing two additional normal schools should receive our hearty commendation and we pledge our earnest support to the faculty and trustees in all their efforts for the improvement of scholarship and in the imparting of technical information, which will elevate and ennoble the teachers of our State. The influence of the Summer Normal in the strengthening of the home teacher and the enthusiasm imparted to the local people in the betterment of school facilities cannot be overestimated. Let them continue to be leavening influences in the educational affairs of the State, contributing in no small degree to the great work in which we are engaged. May the time soon come when they will cease to be "certificate machines" and the true professional work be paramount to every other consideration.

This resolution was passed.

**Thirty-Third Annual Meeting, Waco, Dec. 29, 1911; pp. 165, 167**

#### REPORT OF COMMITTEE ON RESOLUTIONS

4. That the adoption of the amendment to section 30, A, Article XVI, of the Constitution of Texas, providing six year terms of office for members of the boards of trustees, be commended to the favorable consideration of the voters of Texas.

[Unanimously adopted.]

8. That the University of Texas, the A. and M. College, the College of Industrial Arts and the State Normal schools should be



placed on a sound business basis through such constitutional measures and legislative enactments as will assure liberal and permanent annual income.

[Unanimously adopted.]

**Thirty-Fourth Annual Meeting, Fort Worth, November 28, 29, 30, 1912; p. 98**

#### REPORT OF THE COMMITTEE ON RESOLUTIONS

Be it resolved that it is the profound judgment of the Texas State Teachers' Association that the State should immediately provide that:

1st. At every State Normal school, and at the College of Industrial Arts, there should be forthwith established a practice school where the students may observe the best educational methods and be trained by practical teaching experience; and

2. That the University of Texas, which trains every year a large body of expert teachers and supervisors, and is in most urgent need, a building may be erected for the proper equipment of the Department of Education, and in addition thereto, a high school may be established to serve as a practice school for the concrete training of students.

**Thirty-Sixth Annual Meeting, San Antonio, November 26, 27, 28, 1914; p. 78**

#### REPORT OF RESOLUTIONS COMMITTEE

In urging better and more dependable financial support for the University, the Normal Schools, the College of Industrial Arts, and Agricultural and Mechanical College, the State institutions for the Blind, for the Deaf, for the Juveniles at Gatesville, and for the Orphans at Corsicana, were recommended as worthy of adequate support.

It was moved and duly seconded that the report of the Committee on Resolutions be adopted as a whole.

**Thirty-Seventh Annual Meeting, Corpus Christi, November 25, 26, 27, 1915; p. 50**

#### GENERAL RESOLUTIONS

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3c. The support of the State Normal Schools, the College of Industrial Arts, the A. and M. College, and the University of Texas by a special State tax, thereby assuring adequate and dependable

support for those necessary agencies, for the improvement of the common public schools, and for the development of the material, social, and spiritual interests of Texas.

Thirty-Eighth Annual Meeting, Fort Worth, November 30, December 2 and 3, 1916; pp. 64, 71-72, 77-78

REPORT OF THE COMMITTEE ON RESOLUTIONS

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2. Deeply appreciating the constructive educational laws passed by the Thirty-Fourth Legislature and approved by the Governor and the enlarged appropriations made and approved for the better support and development of the common public schools and the State Institutions of higher learning, we declare in favor of the continuance of this wise and wholesome policy.

We endorse the principle of the support of the institutions of higher learning by a special tax.

. . . . .

MR. EVANS: We report favorably on the following resolution with reference to the affiliation and classification of high schools.

Believing that all problems involving the common and possibly antagonistic interests of the high schools, colleges and universities of Texas are entitled to consideration by a tribunal in which all have representation and that the rapid growth of these interests in the State justify an expansion and enlargement impossible under the present plan, and recognizing that the high schools, denominational colleges, College of Industrial Arts, four State normal schools, A. & M. College, and University of Texas, have vital interests which can never be adjusted satisfactorily and equitably by the sole action of a single institution of higher learning, we favor the inspection and affiliation of high schools under the direction of the State Department of Education, the legally constituted head of the School System of Texas, such standardization to be binding upon all schools concerned.

(This resolution was adopted by a majority vote and later a reconsideration was asked on motion of Superintendent McCallum of Austin. Dr. O. H. Cooper, of Abilene, President C. E. Evans of San Marcos, and President F. M. Bralley of Denton, spoke against the reconsideration; Superintendent P. W. Horn of Houston, Dr. J. L. Henderson and Dr. Frederick Eby of the University of Texas, spoke for reconsideration. By a large majority, the Association refused to rescind its action.)

MR. EVANS: In presenting this resolution, we do so for the reason that we believe it is the better plan; we have the kindest

feelings toward those who have been doing the work; we believe the schools of Texas are under obligations to them for splendid work. But for a number of reasons we believe this plan the best.

The adoption of the above report was moved by Mr. Bludworth, and was duly seconded and carried.

MR. W. F. DOUGHTY: I wish to say a word in connection with that vote, if you will permit me.

THE PRESIDENT: I recognize Mr. Doughty.

MR. DOUGHTY: Mr. Chairman, Ladies and Gentlemen: I am highly appreciative of the confidence that you repose in the State Department of Education in the passage of this resolution, even before I could get the floor. However, I would like to be well understood in this connection. I want to declare myself. It has been my desire always to deal openly with you in the interests—to the best interests, as I understand it, of the schools of this State. We have striven hard to do that work that will build up the high schools in all the districts of this State and fill in that great gap that exists in the elementary schools and the colleges and universities of the State. You understand, of course, it is only a very limited number of the children of this State who have high school advantages. We want to make it possible for all the children of the State to have the advantages of the high school. Now, only about five hundred thousand children in the State have that advantage. There are practically a million and a half children and we say that they ought to have this advantage and the State Department has taken upon itself that duty, that responsibility, trying to create high schools in every district of the State where it is possible, and in that respect I think we are absolutely correct. We have classified schools; we have explained our standards up there, and laid them before the people of the State, and are trying to give you a system that is going to meet the requisite standards of this country; and you come today and express a very high compliment to that service and lay upon me as State Superintendent and upon my associates, the two high school supervisors, a great responsibility indeed. And in this connection I want to express my appreciation of the work that has been done by the University of Texas in this respect. (Applause.)

And out of respect and appreciation to all, and in order that I may be safe, that there may be no mistake made, I want some assistance in this matter. I come to you now and ask that you authorize a committee to help in this great work. We want to do just what is right. We do not want any action that is too radical. Let me read you this, please, and I want to ask the committee that it will accept it:

**"Resolved:** That a committee of eleven, consisting of one representative each from the State Department of Public Instruction, the College of Industrial Arts, A State Normal School, and the Agricultural and Mechanical College, the University of Texas, two high school principals, two city school superintendents, one representative from the senior independent colleges, one representative from the junior independent colleges, be authorized to study the classification of high schools, represent the Association in legislative matters, and report to this Association one year from now its findings and actions concerning the best way for handling this work.

**"Resolved,** That the president of the association appoint the two superintendents, the two principals, the senior college representative and junior college representative to serve on this committee, and that each of the other institutions or groups of institutions to which representatives are assigned, shall select through the heads of the institutions involved, their own representatives.

**"In the selections of these representatives if you authorize this,** the president of each institution would be the representative, or he could appoint some one to represent him in this matter. In the selection of your committeemen I am willing to leave that to the President of the Association. I wish you would consider this matter, that I may have an advisory committee in matters of this kind, because I feel that it is too great a responsibility for any one man to assume just now. Whatever action may be taken, let us feel sure that it will be taken for the best interests of the schools of this State. I thank you. (Applause.)

(Adopted by majority vote of Texas State Teachers' Association.)  
Fort Worth, Tex., Dec. 2, 1916.

(Pursuant to authority vested in me by the adoption of the foregoing resolution, I have this day appointed: Supt. Chas. S. Meek, San Antonio; Supt. Alvin Dille, Bishop; Prin. E. T. Genheimer, Waco; Prin. J. G. Fuqua, Beaumont; Dr. O. H. Cooper, Simmons College, Abilene; President Williams, Westminster College, Tehuacana.)

The first five members of the committee are: State Department of Education, W. F. Doughty, Austin; College of Industrial Arts, F. M. Bralley, Denton; Normal Schools, Dr. W. H. Bruce, Denton; A. & M. College, W. B. Bizzell, College Station; University of Texas, Dr. J. L. Henderson.

NAT BENTON,  
President T. S. T. A.

MR. EVANS: The resolution is in accord with both the spirit and letter of the resolution presented and if I may speak for the committee I am willing to recommend it.

MR. COOPER: I move the adoption of Mr. Doughty's resolution.



MR. FRED EBY: I second the motion to adopt the resolution. The motion carried.

MR. A. N. McCALLUM: Just a little while ago in the reading by the Chairman of the Resolutions Committee, a resolution was adopted that if I understand the meaning of the resolution at this time, is charged with dynamite for the school interests of this State; and that is the resolution taking out of the hands of the University, the classification of the public high schools of this State and putting it in the hands of the State Department of Education. Now, no man in this audience admires the present State Superintendent of Public Instruction more than I do, and no man here admires the high school supervisors in the State Department of Education more than I do and I know one of them intimately and if I had a guaranty that Mr. Doughty and these two high school supervisors would continue in office for an indefinite length of time, I would never make the motion I am going to make; but we have no such guaranty as that; Superintendent Doughty may be displaced two years from now or he may resign; and the Governor of this State may appoint his successor; and then that State Superintendent will come in and appoint his successor; and then that State Superintendent will come in and appoint two other high school supervisors, and we do not know whom he will appoint. That is, the whole trouble. And I move a reconsideration of the resolution passed a little while ago, taking out of the hands of the University the classification of the public high schools of this State and placing that power in the State Department of Education. I make that motion.

The motion was seconded.

MR. LACKEY: Did you vote for the motion?

MR. McCALLUM: Yes, I did; I did not know exactly what I was doing when I did so, because it was hurried through.

THE PRESIDENT: You have heard the motion. Are you ready for the question?

(Calls for question).

MR. SUTTON: I would like to ask the Chair to call upon the State Superintendent—I just wish to ask the Chair—the resolution that was submitted was not discussed at all; it was adopted in a half minute. Now, I suggest that a matter of so grave importance ought to be given more attention. The State Superintendent was on his feet seeking recognition of the Chair; the Chair did not see the State Superintendent and therefore did not call upon him. Now, so far as I am individually concerned, there is not a school in Texas in which I do not have some pleasure; the country schools of this State, I think, are dear to my heart. The city schools of this State I think I have worked

with some degree of assiduity. The A. & M. College is my college. The College of Industrial Arts is my college. The Normal Schools of this State are part and parcel of my estate. I remember the time when they were not so very numerous, the friends of the normals, and I could count them almost on the fingers of one hand—the superintendents in larger towns that favored the normals. Now here is a great policy for a great State and I think we ought to give it the consideration that great questions are entitled to receive, and I ask, Mr. Chairman, in view of this fact, that the State Superintendent be afforded an opportunity to give an explanation of the resolution which he himself wished adopted.

A VOICE: It has already been adopted.

MR. DOUGHTY: I tried very hard awhile ago to make myself clear, but it seems I did not, and I will back up, crank again, and start it all over. I offered this resolution as a substitute for the one that had already been adopted, and I talked at length explaining why I would like to have it recommended so that I could have the advantage of expert men and women to help me in this important matter of handling the classification, whether there is a transfer made from the State University to the State Department or not. I personally had never cared anything about a transfer, but I wanted to aid the work of building the high schools of this State; that is the function of the State Department of Education, to create, to foster, to build up high schools, and we have been trying to do so, and when it came to passing upon the instructional work that is done in the colleges and universities with reference to the entrance to the university, I had nothing whatever to say, no objection to that part of it. Now this is somewhat of a surprise to me that this action has been taken, and I told you how much I appreciated the confidence that was intended to bestow upon us in our work, but it seems also that it was not understood that we were to offer this as a substitute for the original resolution. I thank you.

MR. J. L. HENDERSON: Mr. Chairman and members of the convention. I come before you at this time with considerable embarrassment. The subject which you have been considering was brought to my attention the first time late yesterday afternoon and I had no opportunity to ascertain the desires of those who advocated this change. In fact, I only learned before the noon hour that it was contemplated to bring before this Association a resolution which contemplated removing entirely the matter of the classification from the State University. Then I am going to be thoroughly frank with you, Ladies and Gentlemen, and say to you, that a few of us who are interested in the matter discussed it and felt that it would be unjust to those concerned and to the schools if we permitted the matter to go entirely

unchallenged. After some consideration it was decided that in order to have a full and complete study of the question and in order to give all who might be interested in it a chance to have an expression, a certain committee, composed of eleven people, I believe, representing the different institutions of the State and the high schools, and the State Department of Education included, should come together from time to time and study this question of the classification and then make such recommendation to the Association and to the people of this State as would ultimately bring the best to the State; and so in making this proposition, it was not our expectation that we would defeat the will of the school people of this State; it is not our desire to keep within our hands at the University that which the thinking, the intelligent, the studious part, of the educational force would not have us keep, so this resolution as presented by Superintendent Doughty includes a representative of the Industrial School, a representative from the Normal Schools, which have a common interest, a representative from the A. & M. College, a representative from the University as many as four men from the schools, two from the high schools and two superintendents and some from the technical institutions that certainly have a part also in the educational policy of this State. Now it was our desire that this committee should be constituted so that it would be untrammelled in thinking and that it would be untrammelled in its action and that it would be untrammelled in the recommendations that it shall see fit to make to you at a later date then when we come with the wisdom of all these a later date, and, then when we come with the wisdom of all these members of the committee, we will work in close relation in whatever line it may seem best for the educational interest of the State. I hesitate at this moment to enter upon any discussion of the merits of the transfer, and you will know that I have avoided this. The only thing I ask of you men and women this afternoon is not to vote a measure which is of so far-reaching effect as this one is today. The resolution which you first passed, ladies and gentlemen, takes out of the hands of a committee of an organization, which has been constituted entirely along educational lines and places it in the hands of one which is constituted along political lines. And let me call your attention to the fact that this very afternoon you voted almost unanimously to take the appointment of the county superintendent out of politics. Now for God's sake, I ask you not to vote into politics this afternoon without due consideration, a matter which deals with the interests of all the high schools of this State (Applause). I want to say that I have supported this State Superintendent and I have supported the high school officials who are in the field and we have co-operated wonderfully for the development of the schools of this State.

We have been assigned at times past, a division of the field of labor, and never a time have we played false with the assignment of labor. We have never tried in a single instance to subtract from the standing and power and work of the State Department of Education and we are not here today to do so. All we ask at the present is that a committee shall first investigate and shall bring before you a better proposition than we now have. Let the State Superintendent and his officers and those of us who are laboring faithfully and honestly for the University and the other educational interests of the State, let us work and co-operate until this committee shall be able to make a faithful study and then make a fair report. (Applause).

MR. COOPER: It seems to me that a re-consideration of the resolution that has been adopted is a superfluous and unnecessary proposition. (Applause). There is no disposition I am sure on the part of anybody here to disparage for a moment or interfere to any extent with the superb work that has been done under the University in this work of affiliation. The University is one of twenty institutions for higher education in this State, the greatest and most important in many respects and the University should unquestionably continue to exercise a wide and far-reaching influence over the establishment and maintenance of the right kind of high school standards in Texas; but these other interests also should receive the consideration that their independent entity entitles them to. And we are simply looking today to the organization of an educative central agency that shall correlate, consolidate and unify all of these interests that are concerned in the development of high education in Texas. We do not look to any disturbance of standards. We look to a maintenance and extension of standards. And I say to you that this resolution as originally adopted here expresses, I believe, the sentiment of those who are concerned in the real, harmonious development of the higher education of this State in all directions and in the unification of the standards of the high schools of this State and I tell you, ladies and gentlemen, if we cannot trust the great Department of Education and if we cannot trust this Superintendent of Public Instruction—and I wish, having once served in this position, to pay this tribute, that I think his work stands unimpeached not only in Texas but so far as I know in the whole South (Applause). I am not afraid to trust Doughty and I am not afraid to trust this Committee—he is a University of Texas man himself, and I am surprised that the University of Texas, or any representative of it, should not be glad to associate the other institutions of higher education under the direction of the State Superintendent in this transcendently important matter of the standards of the high schools of this State (Applause). And I ask you to vote down this resolution to re-consider (Applause).



MR. P. W. HORN: It seems to me that to a slight extent, at any rate, we are in danger of a parliamentary tangle; we first voted on a certain resolution; then we adopted another resolution that was intended to be a substitute for the first.

VOICES: No, no, no.

MR. HORN: Now whether or not it was voted on in that way, such was the intention, and it seems to me there cannot anything be risked in at least giving an opportunity to re-consider this original motion. The substitute as offered and outlined by Mr. Doughty did not in any way say: "We will not have this particular thing that the resolution suggested"; it did say it was time to consider it, and as one of the superintendents of the city schools in the State, and as one of the educational workers in the State, and as one with no connection with the State University, I want to say I do not believe we ought to act on this question injudicially or hurriedly (Applause). And I do not believe that we have had time to think this thing through; I believe we ought to be willing to re-consider it; I believe we ought to be willing to take into consideration the advice of this Committee, as our State Superintendent suggested. Now, there is just one other thought I want to mention, which perhaps has escaped the notice of some. This is a harmonious convention of our Texas State Teachers' Association. So far as I know, there are no dividing issues in our speaking body. If there is a single teacher in Texas who would not support our State Superintendent, I do not know about him. If there is a single one who has not confidence in him and does not support him, I do not know who it is. We are willing. And furthermore, I believe this, that there are none of us who want to say anything that would disparage our great central university—I do not believe one of us would want to draw a line that would seem to disparage them. And here is another thought; if there were any teacher in Texas who had any criticism to make of the State University, now would be a mighty poor time to make it (Applause). Now would be a poor time to make it. And I do not believe that the teachers of Texas want to say or do anything on this occasion that would give any man who is not a friend of our great educational institutions an opportunity to use it as a club and say, "See what the teachers themselves thought in regard to it"; I believe we want to stand by our State Superintendent; I believe we want to stand by our State University and the plea I make is for such a re-consideration as will allow this Committee which has been suggested according to the plans outlined by our Superintendent to make the report a year ahead, and then when we come back, if we still think this motion is the wrong thing to make, and if our Committee advises it and our mature thought approves it, let's adopt it. Let us not act hurriedly in the matter or give any of

the enemies of our State schools a chance to use our action as a club (Applause).

MR. WHITE: A point of information. If you are going to adopt this amendment, what becomes of the resolution before the house?

THE PRESIDENT: If you re-consider the motion we will simply have nothing before the house.

MR. EVANS: There is nothing new about this proposition to any of these men who have been on this platform. This is the proposition involved. (Reads):

"Believing that all problems involving the common and possibly antagonistic interests of the high schools, colleges and universities of Texas are entitled to consideration by a tribunal in which all have representation, and that the rapid growth of these interests in the State justify an expansion and enlargement impossible under the present plan, and recognizing that the high schools, denominational colleges, College of Industrial Arts, four State normal schools, A. & M. College, and University of Texas, have vital interests which can never be adjusted satisfactorily and equitably by the sole action of a single institution of higher learning, we favor the inspection and affiliation of high schools under the direction of the State Department of Education, the legally constituted head of the school system of Texas, such standardization to be binding upon all schools concerned."

Who tries the Baylor cases now in court? Only the institutions of learning. I deny the right of any man to try my case when he and I have something in common and interests not necessarily identical. I don't want to try his case (Applause). I want to do this: If I were justice of the peace or judge of any court in the world and anybody raised a question about an interest of the court, I would disqualify myself before breakfast. (Applause). This proposition simply involves representation. I would not disparage any of the work that is being done. There is no politics in it. There is representation. The A. & M. College is not now represented in this matter of inspection and affiliation of schools; the high schools are not represented. If you were represented, the traditions of education would have gone into the dump heap ten years ago and you know it (Applause). You would have accorded home economics and manual training a good deal more consideration and you know it (Applause). This is simply a proposition of representation and we would not think, we would not dream, of denying the University representation. That is the proposition.

MR. F. M. BRALLEY: I think I am entirely free from any bias in this matter. I have always endeavored to look at the educational interests of Texas from a broad democratic point of view and to advocate only such measures as seem to be fundamentally sound and correct in serving the interests of the entire educational system of the State.

I am a friend of the University of Texas; I have always been and always expect to be. But I am no better friend of the University than I am of the State Normal Schools (Applause). I am no better friend of the University of Texas than I am of the Agricultural and Mechanical College (Applause). I am unwilling to concede that all of the scholarship and all of the educational wisdom of this country is lodged in one educational institution (Applause). In a system of standardization for the public high schools and the colleges and the universities of the State any plan which excludes even one factor of this work is too narrow to meet the approval of broadminded, scholarly women and men (Applause). The public high school principals of Texas are entitled to representation (Applause). The city school superintendents are entitled to representation. The denominational colleges and universities of this State are entitled to representation (Applause). In the making of these standards the curricula of the University of Texas is entitled to representation. The four State normal schools are entitled to representation. And if you would permit me to have my way in the matter, I think the College of Industrial Arts is entitled to some representation (Applause). I do not think it would be fundamentally sound to permit the State normal schools of Texas alone to prescribe the educational standards of the high schools and of admission to the University of Texas. Neither do you. Gentlemen let us be fair; let us be reasonable; let us speak for unity and co-operation. I believe the resolution as adopted is best for the University as it is for the entire educational system of Texas (Applause). And I speak as a friend of the University in making that statement. The University of Texas, as a great democratic educational institution endeavoring to serve in large and helpful ways more than four millions of people in this State, should be willing to join hands with the four State normal schools, the College of Industrial Arts, the Agricultural and Mechanical College, the denominational colleges and universities of the State, the high schools and the State Department of Education. The State Department of Education does not represent any one educational institution, but it represents the entire system of education in Texas (Applause). I am in favor of voting down this amendment on the motion to re-consider and I want to serve notice now on the University of Texas that if this amendment or this resolution is re-considered and defeated, you will only be adding to your trouble (Applause). We say that we are in favor of the administration of school affairs in Texas, from the kindergarten up to the colleges and the universities, as free as possible from the political domination—and we believe it (Applause). And I want to say to you, without any unkind feeling and without any criticism whatever, it seems to me, speaking parenthetically and confi-

entially, that the University has about as much politics in it as any other school in this State (Applause).

I hope that this body of broad-minded, democratic teachers will refuse to consider this motion to re-consider—refuse to adopt the motion to re-consider (Applause). And that this committee's representatives of the entire educational system of Texas will be given an opportunity to participate in an orderly and proper way in prescribing the educational standards in Texas. I thank you (Applause).

(Calls for question).

DR. FREDERICK EBY: I want to set this thing out in the light as it seems to me—and first let me say this: We passed a resolution here to the effect that the classification of the schools of the State should be taken from the University and put into the hands of the State Department of Education. Then, Mr. Chairman, we turned around and we passed another resolution. This other resolution, if I understand the situation at all, and I tried to get it clear, this other resolution is, that this matter, which is of deep concern and broad concern, as we have seen, should be committed to a broad, generous committee representing the various institutions of this State, that they might deliberate upon it for a whole year and then bring to us the right fruitage of their own thoughts. Ladies and gentlemen, I am not here on this platform to take issue between the University of Texas and the State Department. Everybody knows that I am—at least everybody who knows the North Texas State Association knows this—that I have given on the subject some views concerning this matter at the meeting in Sherman, similar views. Now, ladies and gentlemen, in view of the fact that we have here a very difficult question, I ask you: Is it right that we should take a few minutes debate here, public debate, and pass this thing and have it go into action? Would it not be better, would it not be saner and wiser, ladies and gentlemen—we represent or ought to represent the highest intelligence in this State of Texas, and as such, we ought not to undertake to settle any great question within a few minutes or the snap of a finger. But, my friends, that is not the way that democracy should work. Let us take time. I say I am not here moreover to say that the University of Texas should do this work. I take the position here frankly that the University of Texas should now take the advice of another body to do this work; the question is, what shall that other body be; shall it be the State Department or shall we have a committee representing all of these schools and interests. I want all the State schools represented and the normal schools represented and I want something else represented; I want to see the private schools of this State represented—I mean denominational schools and the State Department does not control the denominational schools—so I plead with you



that you shall keep this resolution that was so wisely brought here by our State Superintendent. That is the resolution we ought to have here this afternoon. Give us that committee, or let them deliberate, those eleven; deliberate a year, and then we will have a report brought in here that I am sure if it does not meet the wants and wishes of everybody, nevertheless it will represent the sanest and best opinion of this State. Ladies and gentlemen, I think the wise thing would be to rescind the first resolution, and let the second resolution that was adopted for this committee of eleven, stand as it was adopted (Applause).

MR. MORGAN: I just want to say in addition to the words that have been said by Mr. Bralley and Dr. Cooper that this is not a new question but it is a matter that has been in the minds of the teachers of Texas for several years. And these gentlemen of the University who are speaking here know it is not a new question. I hold in my hand the report of the Department of Education; the Department of Interior, Bureau of Education, of our United States Government, which says that twenty-seven other States in this Union have adopted and tried the very plan that this body has just now adopted (Applause). I say to you it is not a new step; it is a step forward; the University is asking you simply to give them the exclusive control of this thing as they have had in the past. When this resolution is passed, the truth is the University by this resolution is still getting its representatives and we all know it; the only thing we are asking is that the other institutions shall have their representation; and what objection, what reason, in justice, can the University offer? We have passed the first resolution, and the second resolution; we supplemented the first on the request of the State Superintendent of Instruction, Mr. Doughty, who asked that the thing be supplemented by that, and we have adopted that, and we have turned around, and I hope we have done the wise thing and I hope you will oppose the motion.

THE PRESIDENT: The motion is to re-consider the motion adopted.

A VOICE: Which resolution? How could we adopt two of them?

THE PRESIDENT: Do you want the resolution read?

A VOICE: What do you want to re-consider?

THE PRESIDENT: The question is on the resolution—you moved to reconsider—

MR. DUPRE: Consider the resolution as presented to the committee, not the resolution as presented by State Superintendent Doughty.

MR. EVANS: I will read the original resolution:

(Reads):

Believing that all problems involving the common and possibly antagonistic interests of the high schools, colleges, and universities of Texas, are entitled to a consideration by a tribunal in which all have

representation, and that the rapid growth of these interests in the State justify an expansion and enlargement impossible under the present plan, and recognizing that the high schools, denominational colleges, College of Industrial Arts, four State normal schools, A & M. College, and the University of Texas, have vital interests which can never be adjusted satisfactorily and equitably by the sole action of a single institution of higher learning, we favor the inspection and affiliation of high schools under the direction of the State Department of Education, the legally constituted head of the School System of Texas, such standardization to be binding upon all schools concerned.

The second resolution supplements it and puts it into effect in harmony with it.

THE PRESIDENT: Let me explain this. I think I understand it; I suppose the rest of you should by this time. The motion is to reconsider the adoption of this resolution. When the question is put, those favoring this motion—if that should be carried in the affirmative, as I understand it, it would blot out what we have done.

VOICES: No, no, no. Yes, it will; yes, it will.

THE PRESIDENT: I mean, if you grant the motion to reconsider, that kills it for the present.

Upon a count of the vote, the Chair announced the motion lost.

**Thirty-ninth Annual Meeting, Waco, November 29, 30, and December 1, 1917, pp. 53, 54, 55**

THE PRESIDENT: We next have the report of the committee on resolutions by Mr. Bralley, of Denton. . . .

MR. BRALLEY: We believe that the teacher's tenure of position should be more secure in the entire educational system and that no teacher should be dismissed from the service without due notice and a hearing before the proper authority, if he or she desires it.

I move the adoption of this resolution. (Seconded and resolution adopted.)

MR. BRALLEY: We favor and recommend the amending of the law by the next regular session of the Texas Legislature so as to make both women and men eligible to serve on boards of school trustees and boards of regents in all public schools and State supported colleges and universities in Texas.

I move the adoption of this resolution. (Motion seconded and resolution adopted.) . . .

MR. BRALLEY: Be it resolved by the Texas State Teachers' Association that we affirm our belief that steps ought to be taken to remove our higher institutions of learning from political influence. We believe that the support of these institutions should be so provided for that it would not be necessary to ask each successive legislature for

specific appropriations, and that the management of these institutions should be so vested that the influence of personal and partisan politics will have the least possible opportunity to interfere with them.

This resolution is submitted to the committee and signed by Charles S. Meek, San Antonio; J. E. Blair, Corsicana; A. S. Bush, Cuero; J. F. Campbell, ———; G. M. Sims, Port Arthur; P. W. Horn, Houston, and the committee recommends its adoption and I move its adoption. (Motion seconded and resolution adopted.) . . . .

MR. BRALLEY: Be it resolved by the Texas State Teachers' Association that the legislature of Texas be requested to provide for an adequate survey of every phase of the State's educational system; and be it further

Resolved, That it is the sense of this association that an impartial, comprehensive survey can best be made by the Legislature authorizing a committee composed of a representative each of the University of Texas, the Agricultural and Mechanical College, the State Normal Schools, the State Department of Education, the College of Industrial Arts, President of the Texas State Teachers' Association, a County Superintendent, a District Superintendent, and one High School and one Rural Teacher, which committee shall, after due deliberation thereof, employ a competent person outside of the State to make a comprehensive and impartial survey of the entire educational interests of Texas, and that the person so employed shall be authorized to bring to his assistance such expert help as he may deem necessary in the discharge of his duty. Furthermore, that when the report of the survey has been made it shall be submitted to the legislature for its consideration and action.

This resolution is recommended unanimously by the committee and I move its adoption. (Motion seconded by Mr. Bizzell and resolution adopted.)

## PLATFORMS OF POLITICAL PARTIES

[From Ernest William Winkler's "Platforms of Political Parties in Texas," Bulletin 53, 1916, of the University of Texas, to which Bulletin the page references apply.]

### German Mass Meeting, 1854, San Antonio, May 15

. . . . P. 61.

#### B. Social Reform.

7. Der Staat hat die Pflicht, für die Erziehung der Jugend zu republikanischen Staatsbürgern Sorge zu tragen, und alle hemmenden Einflüsse auf die Erziehung so viel als möglich zu beseitigen; darum fordern wir: . . . .

e. Einrichtung von Universitäten, wo jeder dem Unterrichte unentgeltlich beiwohnen kann.

### Democratic State Convention, 1873; Austin, September 3-5

P. 160

. . . .

5. The school fund, sacredly set apart for the education of the children of the State, has, under the operation of the misrule of the party in power, been plundered by speculation, squandered, and perverted to political purposes. The Democratic party, through us, reaffirms its past opinion and the policy it has ever pursued, that it is the bounden duty of the State to maintain an efficient system of free common schools, and secure the means of a common education to every child in the State; and we advocate the gradual sale of the alternate sections of land belonging to the common school fund, as also of the asylum and university lands, under such restrictions as will secure the funds arising therefrom to the purposes for which they were intended, and giving in such sales proper preferences to actual settlers in good faith thereon.

### Democratic State Convention, 1880; Dallas, August 10-13

P. 203

. . . .

4. We regard the maintenance of a practical system of public free schools of the utmost importance, and to this end favor the largest appropriation, within constitutional limits justified by the financial condition of the State. As we favor the adoption by the next legislature of the constitutional requirements for the organization and maintenance of "The University of Texas."



**Democratic State Convention, 1882; Galveston, July 18-21**

## P. 210

. . . . .  
9. We declare that a liberal provision should be made to endow with the public lands set apart for the payment of public debt—or the proceeds of the sale of the same—the State University and its branches, but in no case should any portion of the common school lands or fund be used for this purpose. We further declare that the debts due the University and common school funds of Texas, denominated as of doubtful validity, should be recognized and paid, with the interest due thereon.

10. We favor the fullest education of the masses, white and colored, in separate common schools, and the advanced education of the youths of the country in our higher schools and State University. We favor the maintenance of normal schools for the instruction of teachers.

**Republican State Convention, 1882; Austin, August 23-24**

## P. 213

. . . . .  
5. We believe that the school and University lands should be sold only to actual and *bona fide* settlers at current market values, and on long time, with a reasonable rate of interest, and in parcels not exceeding six hundred and forty acres for farming and grazing lands, and in large bodies for purely grazing lands.

6. We believe that such endowments as have been made to the University should be husbanded and strictly applied to the maintenance of the same, but that no further endowments should be made to the University until the State shall have perfected a thorough system of free public schools.

**"Straight-Out" Republican Convention, 1884; Dallas, September 23-24**

## P. 233

. . . . .  
(8) That we favor the early completion of the University of Texas and its colored branch, and favor liberal appropriations by the State for the erection, maintenance, and equipment of these institutions.

**Democratic State Convention, 1886; Galveston, August 10-13**

Pp. 238-239

. . . . .  
4. We favor the best system of education for white and colored children in separate common schools, which may be provided by liberal, without excessive, taxation. We believe that the education of the children is a matter of State right and duty, and that the Congress of the United States has no right to appropriate money to its aid. We congratulate the people of Texas upon the successful establishment of our State University, and we recommend the enactment of legislation to remove the same, as far as possible, from all political influences, and that its properties and revenue shall be strictly guarded, increased, and fostered so far as it can be done without taxation upon the people.

5. We believe that the true policy of the State, with respect to her public lands, is to provide for their sale, in tracts of reasonable size with reference to their quality and uses, at fair prices and upon long credit, to *bona fide* settlers, for homestead purposes. We favor such a classification of the school, university, and asylum lands as may permit the unconditional leasing, for short terms, of lands only fit for grazing; and that the remainder may be leased temporarily and entirely subjected to the right of the State to sell to actual and *bona fide* settlers. And to these ends we favor the enactment of laws to compel the removal of trespassers and free grazers from the public lands, and to force the payment of rent for their use; and to fix absolutely the rental price of the lands to be leased. There should be such legislation as will make it practicable to enforce all laws intended to prevent the illegal use of the school or other public lands of the State.

**Republican State Convention, 1886; Waco, August 25-26**

P. 243

. . . . .  
(2) Public Lands.—We are opposed to the leasing by the State of large bodies of land, thereby shutting it out from immediate and actual settlement.

**Democratic State Convention, 1890; San Antonio, August 12-14**

P. 289

. . . . .  
8. We demand that, as a general diffusion of knowledge is essential to the promotion of the liberties and rights of the people, the constitutional provision requiring the public free schools to be

maintained and supported for a period of not less than six months each year shall be fully and faithfully carried out, and the University, its branches, and the other public educational institutions, be properly endowed and maintained.

**Democratic State Convention, 1892; Houston, August 16-18**

Car Stable Convention.

P. 320

18. A general diffusion of knowledge being essential to the liberties and rights of the people, we demand the constitutional provision requiring the public free schools to be maintained and supported for a period of not less than six months each year shall be fully and faithfully carried out, and that the University, its branches, and the other public educational institutions be properly endowed and maintained.

Minority Report, p. 321

4. We favor nine months' session of our public schools and the complete and efficient administration and maintenance of our free school system and of the University of Texas as a fitting and indispensable culmination thereof.

**"Regular" Republican State Convention, 1892; Fort Worth, September 13-14**

P. 329

13. We demand that the legislature comply with the constitutional requirement and establish a branch of the State university for the colored people.

**Democratic State Convention, 1894; Dallas, August 14-16**

P. 341

11. A general diffusion of knowledge being essential to the liberties and rights of the people, we pledge that the constitutional provisions requiring the public free schools to be maintained and supported for a period of not less than six months each year shall be faithfully carried out, and the University, its branches, and other educational institutions shall be properly endowed and maintained.

Minority Report, p. 344

. . . . .  
15. We favor and pledge the necessary appropriations to maintain the efficient operation of the public free schools for the constitutional period of six months, the efficient maintenance of the University and its branches, and the proper support of the Confederate and Orphans' Homes.

**"Regular" Republican State Convention, 1894; Dallas, August 28-29**

P. 346

. . . . .  
(10) We favor equal school accommodations for all races and condemn that policy of the Texas Democracy which has reduced the per capita appropriation of the State school fund from \$5.00 two years ago to \$3 or less at the present; also that the State should, as early as practicable, take the necessary steps towards instituting the colored branch of the university, thus putting into effect the expressed will of the people.

**Democratic State Convention, 1896; Fort Worth, August 18-19**

P. 388

. . . . .  
14. The Constitution well declares that a general diffusion of knowledge is essential to the preservation of liberty, and we, therefore, demand a careful husbanding and faithful administration of the school fund and revenue of the State, to the end that the constitutional provision requiring the free public school to be maintained for at least six months in the year shall be observed faithfully, and that the University, its branches, and other educational institutions shall receive all proper and adequate support for their maintenance and growth.

. . . . .  
16. We pledge to all classes and races equal protection in the enjoyment of life, liberty, and the pursuit of happiness. Provision has already been made by us for the control and management of colored schools by colored trustees. The Prairie View Normal school should be enlarged, making provision for industrial features and gradually converting it into a university for the colored people. To this end we favor setting apart immediately for this purpose 50,000 acres of the unappropriated public domain.



**Democratic State Convention, 1898; Galveston, August 2-4**

P. 403

. . . . .  
20. We recognize the necessity of the development of our educational system; we, therefore, declare that all legislative assistance necessary will be given to bring the system to the highest possible degree of efficiency consistent with our financial conditions, and in order to accomplish this purpose we demand that the law, allowing the appropriation of any part of the permanent school fund to be transferred to the available school fund, shall be repealed.

21. Feeling a just pride in the increasing usefulness of the University of Texas, the Agricultural and Mechanical College, and other educational institutions, we favor such appropriations by the legislature as may promote their efficiency and advancement.

**Democratic State Convention, 1900; Waco, August 8-10**

P. 429-430

. . . . .  
8. The educational system of our State, conceived by the fathers of the Republic and fostered by the Democratic statesmen, has become the just pride of our people, and we pledge our continued efforts to strengthen and maintain it in all its branches and to keep it clear from partisan politics. To this end we favor the submission by the legislature of a constitutional amendment looking to the election of school trustees, and appointment of the members of the governing board of the higher institutions of learning for a term of six years, as contemplated by the law and practiced by each administration until declared unconstitutional by a recent decision of the Supreme Court.

9. Feeling a just pride in the increased usefulness of the University of Texas, the Agricultural and Mechanical College and its branch, the Prairie View Normal, and other educational institutions, we favor such liberal appropriations by the legislature for their support and maintenance as will secure their greater efficiency and advancement.

**Democratic State Convention, 1902; Galveston, July 15-16**

Pp. 448-449

. . . . .  
8. Recognizing public intelligence as the best safeguard of social order, and considering the present prosperity and increasing wealth of our State, we make special demand upon the twenty-eighth legislature to deal generously with all State educational institutions, the University, the Agricultural and Mechanical College, the Girls'

Industrial School, and the several normal schools, including the Prairie View Normal and Industrial School for colored youth, and generally to promote the cause of education in Texas to the end that its institutions of learning may rank with the best in the land.

We commend the course of the last legislature in making adequate appropriation from the general revenue for the maintenance and support of the University, thereby enabling the board of regents to utilize from its available funds the money required for the erection of necessary buildings and purchase of grounds.

We declare it to be the fixed policy of the Democratic party to take our public schools and other institutions of learning out of politics, and we, therefore, reiterate the demand of the Democratic platform of 1900 for the submission of a constitutional amendment making the appointment of trustees of our schools, colleges, and University for terms of two, four, six, and eight years.

9. We request the legislature to provide for the establishment of a textile school as a department of industrial education in the Agricultural and Mechanical College.

**Democratic State Convention, 1904; Houston, August 2-3**

P. 467

. . . . .  
3. We will continue the liberal policy toward all our educational institutions, to the end that the very best facilities shall be provided, where the youth of the State may secure educational advantages second to none at the State's own institutions. The fathers made wonderful and unselfish provision for the education of the youth of Texas, and we pledge ourselves to continue to be faithful to this trust.

We commend the legislature, and many of our city governments, for the inauguration of industrial education, and the Democracy will continue to foster, encourage, and extend the same.

**Democratic State Convention, 1906; Dallas, August 14-16**

P. 495

. . . . .  
19. We recommend that a State Department of Agriculture be established and that the same be separate and apart from all other departments and interests and that the same be adequately supported; that there be provided adequate agricultural equipment and teaching force for the State Normal colleges, the College of Industrial Arts for Girls, and the Agricultural and Mechanical College, and that industrial thought in the schools be encouraged by teaching the elements of agriculture and of the industrial arts,

that the Agricultural and Mechanical College, the College of Industrial Arts for Girls, and the State Normal colleges be authorized to grant diplomas, having the force of State teacher's certificates to all who complete the necessary course of study as graduates in the industrial branches; we recommend that liberal support be provided for the Agricultural and Mechanical College, the experiment stations, the farmers' institutes, the College of Industrial Arts for Girls, and the Texas State University for the teaching and training of our youths and the more liberal education for our citizenship,

. . . . .

**Democratic State Convention, 1910; Galveston, August 9-10**

Pp. 534-535

. . . . .

7. Believing that an educated citizenship is the best assurance of good government and good conduct, and recalling the wise and generous provision made by the fathers of the Republic of Texas for the establishment of a complete system of public education, from the primary school to the University, we remind the legislature that our school system has not kept pace with the educational progress of the times, but has suffered in organization and in maintenance. We demand, therefore, perfection of the common school system of this State and the adequate provision for the upbuilding of the University, the Agricultural and Mechanical College, the normal schools and the other educational institutions controlled by the State. Provision should be made for efficient county organizations, and rural high schools, encouragement of manual training for district or county agricultural training schools, and the separation of the Agricultural and Mechanical College from the State University. Provision for a liberal and independent income for the State institutions of higher learning should be made.

**Prohibition State Convention, 1912; Dallas, August 13**

P. 569

. . . . .

5. We favor the most liberal appropriations to our educational institutions and especially to the agricultural institutions, and would extend the agricultural departments to all rural schools.

**Progressive State Convention, 1912; Dallas, August 13-14**

P. 572

. . . . .

(2) We favor more liberal appropriations by the legislature on behalf of higher education and insist that in this respect Texas put herself in line with Wisconsin and other progressive States. We

believe that money so spent should be regarded as an investment and not as a charge upon the people.

**Democratic State Convention, 1912; San Antonio, August 13-14**

Pp. 578-579

. . . . .  
3. A general diffusion of knowledge being essential to the preservation of the liberties and the rights of the people, we recommend that our educational system, from the primary school to the University, shall not longer suffer from faulty organization, and insufficient financial support. The Democratic party of Texas, therefore, pledges the Thirty-third Legislature to make liberal appropriations for the support and development of our entire educational system.

We reiterate the demand made in the State Democratic platform adopted at Galveston, in August, 1910, that adequate provision by constitutional right be made for a liberal and independent income to support the State institutions of higher learning, including the University, the Agricultural and Mechanical College, the State Normal Schools and the College of Industrial Arts. We favor more efficient county supervision, and the extension and betterment of our rural schools, and the teaching in them of industrial and agricultural subjects. We favor the submission of an amendment to our Constitution which will provide that any county may levy, by a majority vote of the taxpayers thereof, a county tax for the better maintenance of the schools of such county. We further favor that the legislature propose and submit an amendment to Section 11, of Article 16, of the Constitution, providing for the complete divorcement of the University and the Agricultural and Mechanical College and remove the inhibition against making appropriations out of the general revenue for the erection of buildings for the University, and that a just and equitable division of the permanent University fund be made as between the University and the Agricultural and Mechanical College.

We indorse the proposed amendment to Article 16 of the Constitution providing for six-year terms of office for University Regents, and boards of managers and trustees of other State colleges, schools, eleemosynary and penal institutions, and we call upon all good democrats throughout the State to vote for this amendment to the end that a law may be enacted by the legislature providing that the terms of members of such boards may be arranged so that the terms of office of one-third of each board may expire every two years, thus insuring those institutions against frequent changes of management to their detriment,

. . . . .



We recommend that the Thirty-third Legislature shall promptly pass a bill appropriating money to pay the emergency authorized by the Governor for the erection of a mess hall and a main building for the Agricultural and Mechanical College, and for the building for the use of the medical branch of the University at Galveston.

**Socialist State Mass Meeting, 1914; Yoakum, August 11.**

P. 596

(26.) . . . .

After forty years of administration, the disgraceful inefficiency of the Democratic party is manifest in their conduct of the educational affairs of the State, by the astounding fact that Texas ranks first in the amount of its permanent school fund, yet it is thirty-eighth in attendance, expenditure per wealth, expenditure per child, teachers' salaries, length of term, and value of school properties.

**Progressive State Convention, 1914; San Antonio, August 11**

P. 599

10. We favor the separation of the University of Texas and the Agricultural and Mechanical College, and to extend to each the aid necessary to carry out their respective phases in the educational life of Texas.

**Republican State Convention, 1914; Waco, August 11**

P. 604

(r) . . . . Therefore, the Republican party favors laws

2. Enabling Texas to keep pace with other States in educational progress, and becoming the great State of Texas, and for the separation and divorce of the Agricultural and Mechanical College from the University of Texas. We favor compulsory education in the lower grades of our public schools, with free textbooks to be furnished by the State.

**Democratic State Convention, 1914; El Paso, August 11 and 12**

Pp. 609, 610, 611

11. A general diffusion of knowledge being essential to the preservation of the liberties and the rights of the people, we demand

that our educational system shall not suffer from faulty organization and insufficient financial support. We recommend that liberal appropriations for education purposes be made by the Legislature until the educational institutions of Texas rank with those of any other State in the Union. . . .

We are gratified at the rapidly growing demand for higher education and pledge the party to furnish to the young men and women of Texas facilities and opportunities not inferior to those offered in any other State.

To that end we demand that permanent and dependable provisions be made for the support and development of the University, for the Agricultural and Mechanical College, the State Normal Schools, and the College of Industrial Arts, and that such steps as may be necessary be taken, by constitutional amendment or otherwise, to provide for the erection of needed and permanent fireproof buildings for these institutions. We also demand that the Legislature make appropriations for the support of summer sessions of these institutions, that the teachers of the State may have an opportunity to increase their professional attainments without undue expense.

12. We demand that hereafter all school books used in the public schools of this State shall be printed in Texas, subject only to existing contracts.

. . . . .  
16. We demand that the differences between the Agricultural and Mechanical College and the University of Texas be fairly, equitably, carefully, and cautiously adjusted, not forgetting that both of these great institutions are the property of the State, and the source of gratification and pride of all our people.

17. We demand adequate appropriations for all of the State institutions, and direct that each and every appropriation be itemized, and to be so expended as to secure to the State a dollar's worth of value for every dollar so expended.

**Socialist State Convention, 1916; Temple, August 8**

P. 628

. . . . .  
(7) *Educational Demands.*

. . . . .  
A more efficient educational system in all branches of learning, systematized and arranged to meet the every-day requirements of the masses.

Education from the common school up to the highest State college to be absolutely free to all, including board to students at public expense.

**Democratic State Convention, 1916; Houston, August 8 and 9**

P. 638

(4) Liberal appropriations for the maintenance of the Agricultural and Mechanical College, the normal schools, the College of Industrial Arts, and the State University, including their maintenance during the summer terms, said appropriations to be fully itemized.

## BULLETINS OF THE UNIVERSITY OF TEXAS

Letter of Comptroller W. M. Brown to Governor O. M. Roberts for  
the Regents. November 14, 1881. Prenumbered  
Bulletin [1], 7-11

In compliance with your request . . . the following information relating to the University Fund is furnished. [Here is given in some detail receipts, disbursements, including misappropriations, from the beginning of the Fund through the Civil War and Reconstruction Period, together with a statement of the Funds of date September 30, 1881. See Table XX.]

The University land sales account, as at present carried on the books of this office, does not separate the permanent and available University funds as now distinguished under the Constitution of 1876 and the laws in force.

According to my construction of the Constitution of 1876, all moneys, bonds or other funds to the credit of what was known as the University fund were, by the terms of the Constitution, dedicated as a permanent University fund, and all proceeds of sales of University lands were dedicated as permanent fund.

The lands were to be sold under such regulations as might be directed by the Legislature.

That body authorized the payments of the principal debt to be made in installments with annual interest. The "proceeds" of the sales under the system now existing under present legislation, include principal of notes taken for sale of University lands and interest thereon.

This principal and interest on the notes taken as purchase money for lands should be, in my opinion, all set aside and transferred to the permanent University fund account.

This principal and interest has been from time to time invested in State bonds.

Under the Constitution the interest on these bonds constitutes the available University fund, and is alone subject to appropriation and disbursement.

As stated, the University land sales account, as shown on the records of this department, has not separated the permanent and available funds arising from the same. Transfers will be made and the account separated. This separation will show, on September 1, 1881, as belonging to available University fund arising from interest on bonds total credits to the amount of \$70,219.90. This sum represents interest that accrued on bonds purchased with the "proceeds" of sales of University lands and accrued interest on the



bonds. Against this available fund there remains outstanding unpaid appropriations for several extraordinary accounts payable from the University fund to February 28, 1883, the sum of \$30,472.38. When these appropriations are satisfied there will be from this date to January 1, 1883, for requisition of the Board of Regents of the State University the sum of \$37,025.11.

It is deemed proper to add that the appropriation of \$150,000 made by the last Legislature for the support of the University has not been considered in summing disbursements actual or prospective. Of course this appropriation as an entirety has full standing to exhaust at any time any available fund that may be in the Treasury.

No provision, as stated, has been made for settlement of the principal or interest of the \$134,472.26 bonds issued in 1866, and which matured in January, 1879. By the Constitution of 1876 the principal of these bonds, and any interest due thereon, on April 17, 1876, became permanent University fund. From April 17, 1876, to January, 1879, the date when the bonds matured, it seems that we may consider that the interest due on these bonds is available University Fund. The interest on the bonds from this date to the date when the bonds matured January, 1879, amounts to \$18,209.77.

Should the Legislature make appropriation of this interest, the total amount that will be subject to requisition by the honorable Board of Regents of the State University will be:

1. By sale of bonds, interest, premium, etc., as shown heretofore .....	\$37,025.11
2. Contingent interest as above stated.....	18,209.77
Total.....	<hr/> \$55,234.88

There will be an annual increase to available fund of not exceeding \$2,000 from the continuing sales of lands.

The extraordinary views assumed generally as to the large amount of the available University fund have arisen from several errors in amounts considered as belonging to this fund.

1. The interest on notes taken as purchase money for University lands has been considered as available fund. This amounts to date to \$110,745.82.

2. The entire interest on the \$134,472.26 bonds from 1866 to 1879 has been considered as a certain factor. This amounts to \$80,683.35. Total, \$191,429.17.

As stated heretofore in this communication, the interest on the notes by the terms of the Constitution must be placed to the credit of the permanent University fund; and further, if the Legislature makes appropriation for interest on the \$134,472.26 from date of issue to maturity, the entire interest due to April 17, 1876, when

the Constitution went into effect, amounting to \$62,473.58, must be placed to the credit of the permanent University fund.

In my opinion the \$191,429.17 actual and contingent funds, heretofore considered in estimates as belonging to the available University fund, belongs without doubt to the permanent fund, and will be treated as such in the records of this department, except \$18,209.77 interest on the \$134,472.26 bonds that accrued after April 17, 1876.

[See extract from Texas Historical Association Quarterly, pp. 742, 747.]

Letter of Land Commissioner W. C. Walsh to Hon. T. D. Wooten,  
December 15, 1886

**Report of Board of Regents, 1886, p. 57**

According to the provisions of "An Act to Establish the University of Texas," approved February 11, 1858, one section of land out of every ten sections which have heretofore been, or may hereafter be, surveyed and reserved for the use of the State, under the provisions of the act of January 30, 1854, entitled, "An Act to encourage the construction of railroads in Texas by donations of land," and under the provisions of any general or special law heretofore passed, granting lands to railroad companies, and under the provisions of the act of February 11, 1854, granting lands to the Galveston and Brazos Navigation Company, was set apart and appropriated to the establishment and maintenance of the University of Texas, said sections to be selected by the Governor of the State. Under the present Constitution of the State of Texas, which was adopted on the 18th day of April, 1876, it is provided, "That the one-tenth of the alternate sections of the lands granted to railroads reserved by the State, which were set apart and appropriated to the establishment of 'The University of Texas' by an act of the Legislature of February 11, 1858, entitled, 'An Act to establish the University of Texas,' shall not be included in or constitute a part of the permanent University fund." As the Constitution does not revoke or annul the grant of one-tenth of all lands surveyed for the State by the Galveston and Brazos Navigation Company, previously appropriated to the establishment of "The University of Texas," it is reasonable to suppose that the said University is still justly entitled to the nine and four-tenths sections of land, being one-tenth of all lands surveyed by said company for the benefit of the State, the field notes of which have been returned to and filed in this office.

P. S.—The greater part of said lands are located in the eastern part of the state.

**Third Biennial Report of the Board of Regents, December, 1888,  
pp. 18, 19, 50-53.**

**B. AN INCREASED INCOME**

In the case of the departments already organized at Austin, it is believed that ultimately the income from the bonded and landed endowment will be ample to support them on a scale commensurate with the demands likely to be made on a first class University, but from past experience and present indications it will be several years before this income is large enough. For the efficient support of these departments, in the meantime, the Regents are compelled to ask help from the State. They are compelled to ask that an appropriation be made from the general revenue . . . . as is now made for the maintenance and support of the Agricultural and Mechanical College, for the Normal Schools, and for the Asylums. In making such an appropriation, until an income can be derived from the University lands, Texas would only be doing for a few years what Virginia, Ohio, Indiana, Georgia, Michigan, Wisconsin, California, and every other State that has a University finds it necessary to do every year. The Universities of these States have, without an exception, it is believed, a fund from the interest of which they are partly supported; but the respective Legislatures make liberal appropriations to supplement these incomes. In that way and in that way only, these States are able to maintain free Universities. It would not be necessary to make a large appropriation. Twenty thousand dollars per year for several years would enable the University to bridge over what threatens to be a crisis in its history and enable it to grow in strength and usefulness, and for this amount, the Regents therefore ask.

In making this request the Regents are aware that in the opinion of some a direct appropriation from the general revenue for the maintenance and support of the University would be unconstitutional. As a matter of fact this view of the case has prevailed heretofore, and consequently the Regents have never applied for an appropriation from the general revenue. But after careful consideration they are convinced that the Legislature has a right to make such an appropriation under Section 48 of the Constitution of 1876, which enumerates the purposes for which taxes may be levied, and mentions "The support of public schools, in which shall be included Colleges and Universities established by the State."

For a full discussion of the legal aspects of the question, attention is respectfully called to an opinion upon the constitutionality of such an appropriation. (See Appendix IV.)

**(Appendix IV. [Opinion by Robert S. Gould.]**

[Begins by quoting Sections 10 and 11 of Article VII of the Constitution of 1876.]

Taking this last section by itself, and giving to the words "all grants, donations, and appropriations" their most comprehensive meaning, it precludes the Legislature from making any direct addition to the available fund of the University; for it devotes all future grants, etc., to the permanent fund, and, after prescribing the mode of investment, subjects only the accruing interest to legislative appropriation. The language is, "The same as realized and received into the treasury;" that is, the same grants, donations, and appropriations, just declared to constitute a permanent fund, are to be realized, converted into money, and invested as directed. It is not some of these grants, etc., but, if we take the literal meaning of the words, it is the same; that is, all of them.

If this be the correct construction, Section 11 forbids any friend of the University from donating money or property to be used in the erection of any buildings for the University, or in the purchase of instruments or books. If some one should donate to the University lands, buildings, and instruments for an astronomical observatory, this clause, thus literally construed, would require that all be sold, converted into money, and invested in bonds. Should some citizen fit up, on premises owned by him contiguous to the University, a gymnasium, and convey it to the use of the University, it would have to be sold and follow the same course.

Even donations of books, such as have already been made and are now in the library, are also forbidden. They must be sold, the proceeds invested, and the interest may then be appropriated to buying back some of the books. Such absurd results naturally lead us to look more closely, and see if some other reasonable construction may not be adopted. (See Potter's *Dwarris*, p. 655.) Especially should we seek light from other clauses of the Constitution bearing on the same subjects.

Section 48, Article III, in enumerating the purposes for which the Legislature may levy taxes and impose burdens on the people, specifies: "The support of public schools, in which shall be included colleges and universities established by the State, and the maintenance and support of the Agricultural and Mechanical College of Texas." To support the public schools and the University is to furnish the means for carrying them on. Taken literally, giving to the words "to support" their full, literal meaning, this section is express authority for making direct appropriations out of the general revenue for carrying on the University, i. e., for meeting its current expenses.



It is not important to consider whether, under some other clause of the Constitution, the Legislature might not have had this power, even if Section 48 had been omitted. The clause is not in any way restrictive of the power of the Legislature, nor is it meaningless or without a purpose. That purpose is, to make it plain, to declare positively that public schools, colleges, and universities established by the State, including the Agricultural and Mechanical College, might be supported—furnished with the means to be kept in operation—by taxation. This primary meaning of the word "support" is further enforced by looking at the other specifications of the purposes included in the economical administration of the government. (Article III, Section 48.) With scarce an exception, they refer to annually recurring expenses.

Taken literally we find that this clause of Section 48, Article III, and Section 11, Article VII, are in conflict. Here, then, we have a second and very strong reason for re-examining the latter section, to see if this apparent conflict may not be reconciled. If a reasonable construction can be found giving effect to these apparently conflicting clauses, it must, in the absence of some preferable mode of reconciling them, be adopted.

We claim that the grants, donations, and appropriations intended were of a like character with those "lands and other property" then already "set apart and appropriated for the establishment and maintenance of the University of Texas;" that is, those designed to add to its permanent endowment, or more particularly to add to its interest bearing fund.

Let us look a little more closely at the meaning of the words "grants, donations, and appropriations." Each of these words is comprehensive enough to include either land, personal property, or money, but it is not correct to suppose that the word appropriation by itself indicates a moneyed gift or grant any more definitely than does the word donation. In this very Section 11, "land or other property" is twice spoken of as "set apart and appropriated." It is also once used when the context shows that it meant money. Whether it means land, property, or money is to be gathered from the connection in which it is used. What is there to show that it means money set apart by the Legislature to pay the annual recurring expenses of the University, in the clause under consideration? To treat it as referring to money given in a general appropriation act for the annual support of the University, is to suppose that the Convention, intending to prohibit such appropriations, instead of doing so directly, attempted to accomplish their purpose in a most indirect and awkward way. The Constitution is made to say: All appropriations of money, including those designated by the Legislature to be consumed for current expenses, shall not be so used, but

shall be capitalized and invested. How easy to have said, as was said of the "establishment and erection of the buildings of the University," that to meet the current expenses of the University, "no tax shall be levied and no money appropriated out of the general revenue." How awkward to say that an appropriation intended for expenditure shall not be expended, but shall be invested. Looking, then, at the language of Section 11, taken by itself, I deny that there is anything justifying the conclusion that the word appropriations was used to mean appropriations of money to be expended in defraying running expenses.

Looking at Section 9, of this same article, we find it reads: "All lands heretofore granted for the benefit of the Lunatic, Blind, Deaf and Dumb, and Orphans Asylums, together with such donations as may have been, or may hereafter be made to either of them, respectively as indicated in the several grants, are hereby set apart to provide a permanent fund for the support, maintenance, and improvement of said asylums. And the Legislature may provide for the sale of the lands and investment of the proceeds in manner as provided for the sale and investment of school lands in Section 4 of this article." The section is very concise; but it, if taken literally, giving to "donations" its full literal meaning, prohibits the Legislature from giving any money to the asylums to be used in meeting expenses. Every addition made by the Legislature to either fund of the asylums, the permanent fund, or the fund to meet expenses, is a donation. Donations which may hereafter be made, says the Constitution, shall be "set apart to provide a permanent fund for the support, maintenance, and improvement of said asylums." The Legislature, correctly holding that the Constitution meant donations, like the grants of lands just named, intended for endowment, regularly donate or appropriate money to keep these institutions running. The Asylums had been carried on for years by donations or appropriations out of the general revenue, and, although the language of the Constitution, taken literally, would put an end to this practice, it is plain that the object of the section was not to do this, but simply to protect from expenditure the endowments of the asylums, including future as well as past donations and grants intended as endowments. Such, also, we claim to be the evident object of Section 11, in regard to the University. Looking at Article VII, as a whole, we find that it refers to the public schools, the asylums, and the University, each of which had already been endowed by the State. The permanence and security of these endowments seem to have been one of the primary aims of the article. The "funds, lands, and other property" before set apart for public schools, the "alternate sections of land reserved by the State out of grants heretofore made, or that may

hereafter be made, to railroads or other corporations," together with the proceeds of the sale of the same, are made a "perpetual school fund," to be invested in the way prescribed in the Constitution—the interest only to be "applied annually to the support of the public free schools" (Article VII, Sections 2, 4, and 5). So, as we have seen, the endowment of the Asylums, as then existing, or as increased by further donations, was made a "permanent fund," to be invested in like manner. And so, in Section 11, with the same leading object in view, the Constitution declares that "all lands and other property heretofore set apart and appropriated" for the University, and "all grants, donations, and appropriations, that may hereafter be made by the State of Texas, or from any other source, shall constitute and become a permanent University fund." This permanent fund, including proceeds of land sales and all sums then in the treasury, is to be also invested as directed for public schools, the interest to be subject to appropriation. Bearing in mind that the protection of the endowment was a primary object in framing Section 11, it follows naturally that this protection would be extended to all future additions to that endowment by grants, donations, and appropriations from the State, or from any other source. With this key to their meaning, is it not reasonably clear that in this section, as in Section 9, the words used were not intended to be taken in their full literal signification? The object being to protect the permanent fund, that protection is extended to all donations or accessions to that fund from any source. Surely, the object could not have been to discourage gifts to the University by unreasonable restrictions. Yet, if the clause imposes a restriction on the Legislature, the conclusion is inevitable that it imposes the same restrictions on individuals desiring to make donations or bequests for the benefit of the University. It has already been shown that if the object of the clause was to prohibit appropriations to be expended, the method of doing so was so indirect and awkward as of itself to make the meaning obscure and doubtful. And in this connection it is quite significant to note that in Section 14 of this article, when the object was to limit the legislative power to make appropriations for the University out of money raised by taxation, the prohibition is direct and positive. "No tax shall be levied, and no money appropriated out of the general revenue for the establishment and erection of the buildings of the University of Texas." Here is no ambiguity. Right here when the Constitution is specifying the purposes connected with the University for which the people shall not be taxed, we would naturally expect to find it specified that appropriations should not be made out of the general revenue to meet the current expenses of the University—if, indeed, such a restriction were intended. Here is a clause the direct object

of which is to limit the purposes, the University purposes, for which the people may be taxed. The inference is strong that for all other University purposes than those here expressed, the power of the Legislature to make appropriations out of the general revenue is intended to be left untouched. Extravagant expenditure in the erection of expensive buildings for colleges had been common, so common that it was desired to protect the people from suffering from such extravagance in the case of the University. It by no means follows that there was any design, or even disposition, to curtail further the power expressly granted to levy taxes to "support" the University.

[Here follows a quotation, q. v., from p. 134, Journal of the Constitutional Convention, 1875.]

It is apparent that the "grants, donations, and appropriations heretofore made," before the establishment of the University, had been designed for its endowment, and that the "lands and appropriations that may hereafter be granted by the State" were of a like nature. Mr. Davis, of Brazos, was undoubtedly aiming to secure the Agricultural and Mechanical College an interest in the endowment of the University, also to protect that endowment and make it productive. There is nothing to indicate a design to curtail the power of the Legislature in making appropriations out of the general revenue for the University.

Further illustrations showing that such expressions as "all funds, lands, and other property . . . that may hereafter be set apart and appropriated" were used, when the context plainly negatives any intention to include annual appropriations for current expenses, may be found on pages 243 and 137 of the proceedings of the Convention.

In addition to all this, it may well be claimed that in making appropriations out of general revenue for the current expenses of the Agricultural and Mechanical College, the Legislature have given their construction to the Constitution, and that it is entitled to respect. The Constitution makes the Agricultural and Mechanical College a branch of the University. Being a branch—an integral part of the University—how can the Legislature appropriate revenue to meet its current expenses if they are forbidden to do this for the University? Can any authority be found in the Constitution for doing this for the Agricultural and Mechanical College, and not for the University? We do not undertake to say positively that there cannot, but what we do assert is that the burden of showing it develops on those who claim that it exists. *Prima facie*, we have a legislative interpretation of the Constitution in favor of the right to appropriate in like manner for the main University. In fact, is not an appropriation for the current expenses of the Agri-



cultural and Mechanical College indirectly an appropriation to the main University by relieving it in so far from the burden of defraying the expenses of the Agricultural and Mechanical College out of its income?

It is claimed that enough has been said to justify the construction of Section 11 which we have suggested—even if the fact were that we were simply seeking the meaning of that section standing alone, with no outside reason or occasion pressing for or against any particular construction. If taken by itself, its most probable, most reasonable meaning, may be briefly summed up thus: "To secure a permanent, productive fund, designed to enable the Legislature to establish the State university, it is declared that its endowment as it now exists, including land and other property heretofore granted by the State, and all money arising therefrom now in the treasury, and also its endowment as it may be added to by the State, or from any other source, shall be a permanent university fund, invested only in bonds of the State or of the United States, the interest on which shall alone be expended under the direction of the Legislature for the benefit of the university."

But it must be remembered that we are compelled to reconcile this section of the Constitution with Section 48, Article III. Taken literally the two sections are in conflict. The one plainly and incontrovertibly declares the power of the Legislature to appropriate money out of the general revenue to support the University. Unless this power is restricted by Section 11, it clearly authorizes the annual expenses of the University to be provided for out of the general revenue.

To say the least of it, it is far from certain that Section 11 was designed to impose any such restrictions. It admits of a reasonable construction, which harmonizes the two sections. That construction, requires no departure from the natural or primary meaning of the language. The words are merely, from the context, interpreted as covering less ground than they sometimes do. In this way the two sections become harmonious. They must be harmonized. If this is not the way to make them harmonious, then we must do it by giving to the words "to support," in Section 48, Article III, a limited meaning. We must conclude that the Constitution, while requiring the University to be supported by taxation—declaring that its support is one among the purposes for which taxes may be levied—most strangely departs from the usual method of providing for government purposes, by requiring sufficient taxation to raise a fund the interest on which will support it. It is believed that no sufficient reasons can be given in support of this mode of harmonizing the Constitution, and it is only deemed necessary to add that it leaves in force the absurd restrictions on gifts to the University, alluded to in the outset.

Prenumbered Bulletin [47], University; Address [June 19, 1889]  
by Gen. Sam Bell Maxey, pp. 6-9

## CONSTITUTION OF 1875

The Constitution of 1875 is clear and explicit as to the power and duty of the Legislature in respect to the University. The Legislature shall . . . "establish, organize, and provide for the maintenance, support, and direction of a University of the first class . . . and styled 'The University of Texas,' for the promotion of literature, and the arts and sciences, including an agricultural and mechanical department."

The Legislature has already complied with its constitutional duty to the extent of "establishing, organizing, and providing for the direction" of the University, but the duty of providing for "the maintenance and support" has only been partially discharged. It will not do to say that the remnant of the fifty leagues given in 1839, and the \$100,000 in 1858, reduced by appropriations by the State to other objects, and the 1,000,000 acres of land given by the Constitution, made sufficient provision. The framers of the Constitution knew perfectly well of these donations and of the diversion by the State of a portion of these grants to other objects. They knew perfectly well that the munificent land grant and the \$100,000 in bonds granted by the act of 1858, supplemented by what the State had not disposed of—of the fifty leagues—would have amply endowed, supported, and maintained the University without taxation; but the Constitution took away the land grant of 1858 from the University, although not one ever found fault with that donation, and then granted 1,000,000 acres, which in view of the relative value of lands was but a small return. Still the Constitution by no expression limits the Legislature in providing for the support and maintenance of a University of the first class, save the general limit applicable to all objects of appropriation, and the restriction against appropriations to buildings, but does in express terms grant it the power to levy a tax for the support and maintenance of the University, as well as to make appropriations to that end out of the general revenue. The power, therefore, is ample; the necessity to support and maintain a University of the first class exists, and hence the power being ample, and the necessity existing, the duty is imperative. It is true that the Legislature, by the act of April 10, 1883, made an additional grant of 1,000,000 acres of land to the University, but it is manifest that however valuable and yielding these grants may become they do not now yield a sufficiency for necessary buildings, and for the support and maintenance of the University upon the broad scale contemplated by the Constitution, and what they lack should be supplied by necessary

appropriations, and the Legislature will not do its imperative constitutional duty until it makes such provision. The Legislature passed an act approved November [March] 30, 1881, "to establish the University of Texas." Manifestly, therefore, it believed the time had come to do so. The Constitution declares that the Legislature should establish and organize the University "as soon as practicable." Having done so, it is too plain for argument that the other duties to provide for the support and maintenance of the University, and such an one as the Constitution specifically names—that is to say—"of the first class," imperatively follows. I believe that when the matter is understood the provision will be made.

Sec. 10, of Art. 7, of the Constitution says the Legislature shall establish, organize, and provide for the maintenance, support, and direction of a University of the first class. It did not leave it to the Legislature to designate what was such an institution, but the framers of the Constitution had before them such institutions as Harvard and Yale and the University of Virginia, and other first class institutions, so there could be no mistake about what they meant. That was the power conferred, and the Legislature was to execute that power in the terms directed. But it is said that section 11 of the same article of the Constitution modifies and restricts that provision. Now, where there are two or more constructions which may be placed upon the Constitution, making it doubtful what was meant, and the Legislature has placed its construction upon the matter, so that an issue has gone to the courts, they have decided, without exception, that they will not interfere unless the construction placed by the law making power is manifestly against the Constitution, and such is the universal rule of the courts from the Supreme Court of the United States down, and such is the principal clearly enunciated by Cooley on Constitutional Construction.

The Constitution, in Section 11, of the same Article, sets out the various items which make up the general fund. The word appropriation occasions the difficulty by its use in one part of the Constitution in one sense and in another part in a different sense.

As I construe Section 11, Article 7, it has reference to such appropriations, and to such only, as are designed by the Legislature to increase the permanent University fund, because it is associated in that section alone with other items of the permanent fund, whilst the use of the same word "appropriations," in the proviso to section 14, same article, has manifest reference to such appropriations as may be designed to aid in the payment of current expenses when the revenues derived from the permanent fund are not sufficient for that purpose, and this is made quite clear by the same proviso which prohibits the use of such appropriations for the erection of buildings, and this being the only exception to its use it can by

a well known rule of construction be used for any other legitimate object of the University.

A careful examination of Sections 10 and 11 and proviso to Section 14, Article 7, and Section 48, Article 3, will leave no doubt I think on this question. If it be, as some insist, that an appropriation can not be used for current expenses, but if made must go into the permanent fund you have this anomaly: You have the fruits and revenues of every other item in the permanent fund subject to any and every legitimate use of the University, but the interest on that particular item "appropriations" can not be used for building. Again, if appropriations can not be used for current expenses, then whatever money may be appropriated for common schools or University raised under Art. 3, Sec. 48, would have to go into the permanent funds of the schools and University respectively, and the interest only could be used for current expenses. Certainly this construction will be new to the people. Suppose the University needs \$10,000 for its immediate use in its support and maintenance. You can not make the appropriation directly under the construction claimed by some of section 11, but you must appropriate say \$200,000 and put that in the general fund, and if it yields five per cent interest use the interest, which would be \$10,000, but the \$200,000 would still be in the permanent fund after the necessity for the \$10,000 had ceased.

But look at the fourteenth section. That provides for appropriations out of general revenue, but this shall not be used for building purposes, and there is no other limitation on its use; but there is no lawyer but knows that where an exception is made it includes every other legitimate purpose. So, if you can not use an appropriation out of the general revenue for building purposes, you can use it under the proviso to section 14 for any other legitimate purpose for the University.

But the grand and governing object and mandate of the Constitution is to establish and maintain "a first class University," and all other provisions of the Constitution must be made to harmonize with that leading purpose. Go back to the forty-eighth section of the third article of the Constitution and you will find that your Legislature has the power to tax the people for schools, "including colleges and universities." Now, if that tax must go into the permanent fund for the University, the school tax must go into the permanent school fund. You can not help the common schools or the University by appropriations except from the interest, if this strange construction be correct.

Where the Legislature has passed an act construing the Constitution, the act will be followed by the courts. The Legislature did that in its appropriations for the Agricultural and Mechanical College, which is by the Constitution a branch of the University, and in



giving \$75,000 for the main University and \$50,000 for its medical branch at Galveston. Three times now has the Legislature put the same construction upon the Constitution, allowing appropriations for the University outside of the University fund. The Legislature has done this looking to its duty to establish a first class University, and recognizing the fact that such institutions have their law and medical department.

I have faith in the honesty and intelligence of the people. When they come to understand the matter, and the claims of the University expressed in every form—in the Declaration of Independence; in the Constitution of the Republic; by the Third Congress of the Republic; by the Seventh Legislature of the State, and by the Constitution of 1875, ratified by the people by a great majority, and by the act establishing the University—there will be no hesitation in securing ample appropriations until the University becomes self-sustaining, as it soon will do after all necessary buildings, apparatus, library, etc., are provided and paid for. The words "maintenance" and "support," as used in the Constitution, are weighty words, and the Legislature, by that instrument, is required to provide for both. The loan made by the Twentieth Legislature was of material benefit in enabling the Regents to use money for the erection of the main building, as well as the building for the medical branch when established, but the duty to support and maintain is not thereby discharged. I am aware of the proviso to Section 13, Article 7, of the Constitution, in respect to buildings. That does not change the argument. Let the Legislature, in case of need, support and maintain the University, and the Regents, out of the current fund, can erect the buildings; and so manifestly thought the Legislature just adjourned, in its appropriations for the University proper and the medical branch.

**Pre-numbered Bulletin [57] Faculty Address by Governor Oran M. Roberts, June 17, 1890, pp. 10, 11, 12**

It is to be observed that there is no express provision [in the Constitution] requiring the Legislature to appropriate money collected as revenue to the available fund to be used annually, as it was provided for the support of the public free schools. From which, as well as from other considerations, it may be presumed, that the University was intended to be supported mainly, if not entirely from the accruing proceeds of its permanent fund. Upon that, there has been some difference of opinion. There is no question, however, that the Legislature may appropriate any amount of money or bonds to the permanent fund. The Legislature has heretofore both loaned and appropriated money from the revenue for the support of the University as it has been needed, and unless

some important action is taken to increase largely its permanent fund, that course must be continued for the annual maintenance of the University, as now organized, for an indefinite time in the future. A very general view of the present situation will illustrate this.

[Here follow some sentences exhibiting the inadequacy of the University income.]

. . . . This shows that we have arrived at a crisis, presenting practically three alternatives, which are, first, to go on asking favors from the Legislature from year to year, to maintain its precarious existence; second, to unload by suspending for the present every department, except the academic department of the main University, and the Agricultural and Mechanical branch, and by reducing their expenditure to the regular income, and await the accumulation of sufficient funds to establish the other necessary departments; third, to devise the means of increasing the permanent fund sufficiently to place all of the departments in good working order upon the annual income.

The last alternative is that which the best interest of the country demands. But the question is, how shall that be accomplished? The lands belonging to the fund is the source from which an increase of it must be realized. It is believed, that it is better to depend upon the liberality and justice of the Legislature in regard to the lands still owned, than to claim as debts due the fund the amount of property heretofore appropriated to it, that has been diverted from it to other purposes.

[Here follows a page of suggestions concerning the best utilization of the lands.]

. . . That would enable the University to be carried on without a continual application to the Legislature to meet the annual expenditures. Whatever course may be pursued, it is to be hoped that it will give a surety for the permanent maintenance of the institution in all of its branches and departments. . . .

**The University Record, Vol. IV, No. 4, December, 1902; pp. 415-422**

#### **The Constitution and the University, by Yancy Lewis**

At each session of the Legislature the question of its power to appropriate funds from the general revenue for the support and maintenance of the University recurs. It is proposed in this article to collate the different provisions of the Constitution bearing upon the question and to consider them in the light of a few plain rules of constitutional construction.

[Here quotes Article III, Sections 42 and 48, and Article VII, Sections 1, 10, 11, 12, 14, and 15, Constitution of 1876.]

Upon these articles of the Constitution three constructions have been based:

1. That the Legislature has no power to appropriate funds raised by taxation in aid of the University for any purpose whatsoever.

2. That the Legislature has the power to appropriate funds raised by taxation in aid of the University, but that the same must become a part of the permanent University fund and be invested in bonds, the interest thereon to be subject to appropriation.

3. That the Legislature has power to appropriate money from the general revenue for the maintenance and support of the University, but not for the establishment and erection of the buildings thereof.

By way of preliminary to the consideration of these several views, the following principles of construction are stated, in the belief that they are regarded as sound by courts and lawyers: The object of construction, as applied to a written constitution, is to give effect to the intent of the people in adopting it. To ascertain such intent, the construction must be based upon an examination of the whole instrument and not upon single clauses. It must give effect to every section and clause in the constitution relating to a particular subject-matter. It must be reasonable and not strained or artificial. It should regard the general purpose or intent of provisions relating to a particular subject-matter as the key to the meaning of subsidiary parts, and should enlarge or constrict the meaning of particular clauses and words in such parts if necessary to effectuate, and not defeat, the main intent.

The first view is based upon the first sentence of Section 11. It urges that the clause "all grants, donations and appropriations that may hereafter be made by the State of Texas" is in antithesis to the clause "all lands and other property heretofore set apart and appropriated," and that the proper interpretation of the clause "grants, donations and appropriations" limits its meaning to such grant, donation or appropriation of land or property thereafter made by the State; that the words "in order to enable the Legislature to perform the duties set forth in the foregoing section" restrict the Legislature to the exercise of the power in that sentence conferred; that this view is confirmed by the subsequent clause "and the interest accruing thereon shall be subject to appropriation by the Legislature to accomplish the purpose declared in the foregoing section"; that consequently the Legislature has power to make appropriations or donations of land to the permanent fund of the University, but not power to make appropriations of money. The interpretation placed upon the clauses first set out

is believed to be sound. It is reasonable to assume that the noun, "appropriations," relates to the same idea as the verb "appropriated," used in immediate antithesis, and this verb refers to land and property. Furthermore, it will be perceived that if that word "appropriations" means appropriations of cash or money, then as soon as the interest of the permanent fund is appropriated by the Legislature, as authorized by the last half of Section 11, this interest, thus become an "appropriation," would become a part of the permanent fund, and the two parts of Section 11 are thus made self-destructive. But the restriction of the power of the Legislature to the power conferred by Section 11 alone palpably ignores Section 48, Article III, whereby the Legislature is authorized to levy taxes and impose burdens upon the people for the support of public schools, including colleges and universities established by the State. This construction has had few advocates and is so manifestly untenable that it is not strange that for many years it has been practically abandoned.

The second construction has had more persistent advocates, and rests upon firmer ground. It is founded on the same clause of Section 11 upon which the first is based, viz.: "All grants, donations and appropriations that may hereafter be made . . . shall constitute and become a permanent University fund." If this clause were the only one relating to this matter, the view suggested would be beyond question; but there are other clauses which relate to the matter. Looking to all these clauses, let us apply to the second and third contentions the principles of construction heretofore stated, and see which is in accord therewith.

Which construction will give effect to all the provisions of the Constitution relating to the subject-matter?

By Section 42 of Article III, the Legislature is required to pass such laws as may be necessary to carry into effect the provisions of the Constitution. By Section 48 of Article III, the Legislature is authorized to make appropriations for the support of public schools, including colleges and universities established by the State. Under Section 14 of the University article, the Legislature is required, when deemed practicable, to establish and provide for the maintenance of a college or branch university for the instruction of the colored youths of the State, to be located by the votes of the people; provided, that no tax shall be levied, and no money appropriated out of the general revenue, either for this purpose or for the establishment and erection of the buildings of the University of Texas.

This last section is as much a part of the Constitution as any other, and can not be overlooked or ignored. Such meaning must be given other provisions as will permit this section also to have meaning and effect. By this section the Legislature is inhibited



to appropriate money out of the general revenue for the maintenance of a college for the instruction of colored youths or for the establishment and erection of the buildings of the University of Texas. Is the inhibition to appropriate money for the erection and establishment of buildings the same as the inhibition to appropriate money for maintenance? It is a strained and artificial construction which so asserts. Did the makers of the Constitution intend that these words should mean the same thing? If they did, why did they not use the same words and provide that no tax shall be levied and no money appropriated out of the general revenue for the maintenance and support of a branch college or university for the instruction of colored youths or of the University of Texas?

Which construction tends to effectuate and not to defeat the leading intent of the University provisions?

It must be admitted that such leading intent is to be found in the provision, "The Legislature shall, as soon as practicable, establish, organize and provide for the maintenance, support and direction of a university of the first class." This intent divides itself. The Legislature is commanded (1) to establish a university of the first class, and (2) to do this as soon as practicable. It is appropriate to pause at this point to emphasize the canon of construction here involved. This canon requires that those who seek a constitutional intent shall in good faith accept the general purpose of related provisions and read the subsidiary clauses, and enlarge or restrict their meaning, so as to accomplish the general purpose. It is just the opposite of that method by which those who, being opposed to the general purpose, construe the clauses providing means and agencies so as to defeat, to hinder or retard its accomplishment. Let the constitutional purpose in this instance be accepted. Let it be unequivocally, unreservedly, and loyally accepted. Let us begin to read from this point, viz., that the constitution purposes, intends and commands the establishment of a university of the first class, as soon as practicable. If the second view is sound, then the establishment of a university of the first class would necessarily be postponed until that time when by successive legislative appropriations the principal or permanent fund of the University has become so large that the interest therefrom alone would be sufficient to maintain a university of the class commanded. It is an indirect and circuitous mode by which to accomplish a plain purpose. It imposes upon the Legislature the obligation to provide funds from which the people could not derive immediate benefit, but which should increase through the slow years until such time as that the interest from its aggregate would be large enough to give to the people of the State the benefits of a university. It would not make possible the establishment of a

university of the first class, as soon as practicable, but would offer strong inducement to the indefinite postponement of such establishment. The other view, that the increase of the permanent fund might be used for buildings and the establishment, so to speak, of a university plant, and that the Legislature could make appropriations for current support and maintenance beyond question, presents the more direct and quicker way to accomplish the constitutional purpose.

Which is the reasonable construction?

The second view is based upon a single clause.

The third has regard for Section 48 of Article 3, which empowers the Legislature to provide for the support of public schools, including colleges and universities established by the State; for Section 10, Article 7, which commands the establishment of a university of the first class; for Section 14, which inhibits appropriation for the maintenance of the colored university, or for the establishment and erection of the buildings of the University of Texas. It is true this view constricts the meaning of the word "appropriations" in the clause "all grants, donations and appropriations that may hereafter be made," found in Section 11, but, as we have seen, the fair interpretation of these words, looking to the context, justifies this construction. The slightest regard for the other provisions of the Constitution compels such constriction.

The third construction, when the Constitution is read with a view to accomplish and not defeat its purpose to have a university of the first class, is not merely reasonable; it embodies a practical policy of the highest wisdom. It enables the acquisition by the University of a permanent fund which, though it might be increased, should never be diminished; which should give stability to the University, and be an assurance of its perpetual existence; which should be the source from which, as the needs of the University manifested themselves to its governing board, a certain fund for the extension of its buildings could be had. It recognizes both that the University must have enlargement of buildings according to its growth, and that the ability of the Legislature to make appropriation for maintenance will vary with the conditions of the State; that under some conditions it might be able to make large appropriations for maintenance, with the result that all revenues of the University derived from its permanent funds could be used for needed extensions and enlargement of buildings; that under other conditions the Legislature might not be able to make such appropriations, in which case the governing authorities of the University could refrain from growth and expansion and use the revenues from its permanent fund for support and maintenance. This construction enables the Regents of the University, according

to the needs of the institution, and the Legislature, according to the financial condition of the State, to meet and perform the high and imperative mandate of the Constitution resting equally upon both, to establish and provide for the maintenance and support of a university of the first class—the supreme and sovereign expression of a purpose which manifested itself at the earliest and noblest period in our history, is evidenced by the arraignment in the Declaration of Texas Independence of the authorities of Mexico for their failure to provide educational facilities, by the message of President Lamar urging provision for the establishment of institutions of higher learning, by the dedication of a site for the University by the commissioners of the Republic who located its capitol, by provision made during all the succeeding years for the realization of this fixed policy of the founders of the Republic and of the State, to provide a complete system of education, related and symmetrical, co-ordinated in the very article of the Constitution now in question, based upon the public schools and completed by a university, commensurate with the greatness of Texas, the glory of her history and the promise of her future.

[Pages 725 to 740 have been devoted to a discussion of the constitutionality of appropriations from the general revenue for the maintenance of the University because this legal question is vital and has played a large part in the history of the University. It was the cause of some opposition and the excuse for much more.

As soon as the University was put in operation, the income from the permanent fund was seen to be insufficient and this insufficiency became more and more pressing. The amounts taken from the permanent fund during the Civil War (see "Debt of State" in Index) caused the Legislature to make a loan to the University in 1887 (see p. 354), and it was not till 1891 that the first direct appropriation was made. Thereafter this constitutional question created a rapidly diminishing amount of opposition to University appropriations. The question gave rise to a small amount of discussion during the Campbell administration as the result of a partial gubernatorial veto of an appropriation bill. It arose again as an afterthought in the abundant discussions that followed the Ferguson veto of the entire University appropriations. In this last connection, two suits arose.

On October 16, 1917, Representative W. V. Dunnam of Coryell asked Judge F. M. Spann of the District Court of Bell county for an injunction to restrain the county tax collector from collecting any taxes for the maintenance of the University or the State Comptroller from paying any warrants drawn against the University appropriation. The plaintiff alleged (a) that the appropriation is unconstitutional, contravening Sections 10 and 11 of Article VII, which provides that all appropriations out of the general revenue must go into the permanent fund to be invested in bonds, the interest from which alone may be used to maintain the University, and (b) that the State tax rate had been fixed at the constitutional maximum (Section 9 of Article VIII) before the University appropriation was made. On October 24 a hearing was had at Belton, Assistant Attorney General Luther Nickels appearing on behalf of the Comptroller. Judge Spann (a) denied the injunction against County Tax Collector Jake D. Nelson because the plaintiff did not show irreparable damage from that officer; (b) denied the injunction against Comptroller H. B. Terrell because jurisdiction belonged in Travis county, and (c) declined to pass on the constitutional question involved.—Dallas News, October 17, 25, and 28, 1917.

Accordingly on November 21, 1917, W. V. Dunnam petitioned in the Fifty-third District Court of Travis county for an injunction against the Comptroller; to the two allegations in the previous case was added a third, viz., that Section 49 of Article III prohibits a deficiency greater than \$200,000, whereas there was a deficiency of \$368,277.75 when the University appropriation bill was passed. The case was argued on December 1, and on December 19, 1917, Judge George Calhoun denied the temporary injunction pending a hearing of the main case. This hearing the plaintiff has not yet demanded.—Austin Statesman, November 21, December 1 and 19, 1917.]

## THE QUARTERLY OF THE TEXAS STATE HISTORICAL ASSOCIATION

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### A HISTORY OF THE ESTABLISHMENT OF THE UNIVERSITY OF THE STATE OF TEXAS, BY GOVERNOR ORAN M. ROBERTS

. . . . The merit of its establishment is not due to any one man, nor even to any one hundred men. It is due to a great number of citizens who, during a period of more than forty years contributed their efforts for it—each one of them at the time acting according to the opportunity afforded him. . . .

. . . . After my nomination for the office of Governor of Texas in 1878, I devoted my especial attention to the operations of the government, including the subject of education, and became impressed with the importance of the further improvement of the common free schools, which had commenced during Governor Coke's administration after the adoption of the Constitution of 1875, and also of the propriety of making an effort to establish a University in this State, to furnish Texas youths of both sexes the opportunity of a higher education within the State instead of their being drummed up, as had been long the case, by agents for high schools in other States. Learning that there was a convention of teachers in session at Waco, I addressed a letter to Dr. Rufus C. Burleson, requesting that a committee of eminent teachers should be appointed to visit Austin during the session of the Legislature in 1879, to aid the government by their advice and influence in educational affairs. I was afterwards informed that such a committee had been appointed.

.. . . .

The committee of learned educators, composed of W. C. Crane, W. C. Rote, Milton Cooper, R. C. Burleson, T. L. Norwood, and Oscar H. Cooper, joined by Dr. B. Sears, general agent of the Peabody fund, met in Austin and presented a memorial relating to the free public schools and a normal school, which, with a message, was presented by me to the Legislature on the 10th of February, 1879.

Their recommendations were adopted in the amendment of the school law in several particulars, and in the establishment of the Sam Houston Normal School; but they failed to make any recommendation about a university, because, as I learned, then, there was a difference of opinion about the plan of its organization.



Notwithstanding the failure at that time to induce any legislation on the University, what was done gave promise that the effort in its favor would be continued, which induced public discussion as to its propriety and practicability. It was meritorious, as it tended to keep before the public the necessity of a higher education than that obtained in the common schools. These schools had especially engaged the attention of the State government ever since the convention of 1845, in which ten per cent of the annual revenue had been set apart for their support; and there had been an increased devotion to their interests subsequent to the war between the States, leaving the higher education to the private academies and denominational schools in the State.

In the month of June, 1880, one of the first, if not the very first, generally attended Texas State Teachers' Associations, was assembled at Mexia. I visited that place for a single purpose, which was to solicit the aid of the members of that association in the establishment of the University. In my address to that body, I pointed out the necessity of it, and suggested that if the educators and learned men, there assembled from all parts of the State, would agitate the subject, and use their influence, this would greatly aid in its accomplishment; and that, though the funds devoted to it were not sufficient to at once establish it on a large scale, still it was important that it should be brought into existence, for the reason that until this was done it would not be known what such an institution required for its successful operation. I requested them to appoint a committee of the members of their body to meet in Austin during the session of the Legislature in January, 1881, to give their help to the movement that would then be made for it. The subject was discussed most favorably by the members of the Association, and the committee was appointed, and met at Austin as I had requested.

The question may be asked, why should this attempt to establish a university have been made at that time, when the means for doing it were very limited in amount, and the Constitution of the State required that it should be "of the first class?" It is important, even now as well as then, for it to be properly understood what the members of the convention meant by the expression, "The Legislature shall, as soon as practicable, establish, organize and provide for the maintenance, support and direction of a university of the first class." What sort of a school did they have in mind when they designated it as "university," at the time that word was used by them? It can not be reasonably supposed that they meant that when it was established it should be such a school as that which is known to the highest order of professional educators in this country, and to them alone, as a university proper, as

distinguished from a college—such as Johns Hopkins, and some others in the north, and those in Europe, which may be termed finishing schools, in which a man, already possessed of a collegiate education, can be admitted to increase or perfect his education upon some one or more special subjects. Persons using language even in forming constitutions and laws are supposed to use terms in the sense usually conveyed by them in the country wherein they are used. In the time of the Republic, a school established at San Augustine, Texas, was usually spoken of as the University. The same may be said of other schools in early times in Texas. The denominational schools at Waco, Georgetown, and Tehuacana, erected long before the Convention of 1875, are each styled “university.” The large granite school house, lately erected and used at Marble Falls, Texas, is called the University. None of these schools are devoted to mere specialties. The so-called universities of Alabama, Georgia and other Southern States, including even that of Virginia, are not merely finishing schools for education on special subjects but for the higher courses of education generally. It is certain, therefore, that, by the use of the term university was meant a high school of learning, and not technically a university, as understood in Europe and elsewhere.

Such institutions have usually large endowments, and numerous teachers, and are located where there are numerous schools of an academic and collegiate order to fit students to enter them. When would it have been practicable for Texas to put up and maintain such a school? *Perhaps* in fifty years. Nor could it have been expected to be first-class in that sense when first put up by the State, but to be made first-class as means could be furnished it in its growth through years to come. Nor was it designed ever to become only a specialty school of the first-class, or of any such class whatever, and if it should even assume that shape, it will be a perversion of its fund, never contemplated by the people of Texas who donated it.

Under these views, I concluded that the time had arrived to start the institution, and hoped that what had been done at Mexia would give notice generally of the movement, and incite the friends of education throughout the State to action in its favor. That it had such effect was afterwards evidenced by the prompt action upon it by both houses of the Legislature in the session of 1881.

The Committee of Educators appointed at my request at Mexia, met at Austin, and prepared a memorial and presented it to me. [See Proceedings in the Legislature, 17th Legislature, Reg. Session].

Here we have exhibited the interest of these citizens in the cause of the University, that induced them, at their own expense,

and without compensation, to come to Austin and present the outline of a plan for its organization, for which they deserve great credit as active participants in its establishment. If the act establishing the University, approved 30th March, 1881 (General Laws, chapter 75, page 79), should be examined in connection with this memorial of the committee, it will be found that the general tenor of the memorial, and a number of its propositions, were incorporated substantially in that law.

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There are three distinguished gentlemen still living, each of whom claims the honor of having drawn up the bill for the establishment of the University. They are the chairman of the teachers' committee, Oscar H. Cooper, Senator A. W. Terrell, and Representative Hutcheson of Houston. Both of the latter were members of the Legislature in 1881. I have no doubt that all of them acted their part well in their zeal for the University. Unfortunately, the books and papers in the office of the Secretary of State furnish but imperfect information about the passage of that bill through the Legislature. Amongst the papers there are two bills—a Senate bill and a House bill—both in the same handwriting, apparently engrossed bills. They are duplicates, with a slight variation in the seventh and twenty-third sections. The eighth section of both provides for a president of the University, as recommended in the memorial. The twelfth section in both provides for the admission of students, without designating the sex, and a slip of paper contains an amendment by Senator Gooch providing for female as well as male students. The Senate bill appears to have been introduced on the first of February, and the House committee bill on the seventh of February.

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I have thus collected all of the proceedings of the Legislature to be found in the office of the Secretary of State in regard to the passage of the bill in 1881. Though they may be somewhat tedious in the perusal, they will show that nothing to be found there will indicate with any certainty who drew up the bill, and what persons exerted most influence in its passage. As I never attended the sessions of the Legislature, I can only give what I knew and was informed of at the time. The chairman of the teachers' committee, Oscar H. Cooper, after the memorial had been sent to both houses of the Legislature, came to me with one of the committee (O. N. Hollingsworth), and presented to me a bill drawn up by him, which I looked at, and then supposed to be substantially in accordance with the provisions of the memorial; and I understood that he was to give it to Senator Buchanan, chairman of the Committee on Educational Affairs in the Senate, to be introduced by

him. He stayed in Austin about a week, and before leaving told me that he had talked about it to a number of the members of both houses, that it had been favorably started, and that he was satisfied that it would pass successfully through the Legislature.

The prompt action taken in the Senate, as soon as the teachers' memorial was received, the course followed by the chairman of the Committee on Educational Affairs, in introducing the bill on the fourth day afterwards, the favorable report thereon, and the frequent appearance of the chairman of the committee afterwards in the management of the bill, exhibit the fact that his committee, composed as it was of a number of educated gentlemen of public prominence, were in cordial co-operation in their efforts to have the university established.

As to Judge A. W. Terrell's part in it, I well recollect that I and other friends of the bill depended much upon his advocacy and influence in carrying it through the senate, and I know that he continued for years afterward to exhibit, by speech and action, a lively interest in the University, and was regarded as one of its leading promoters and friends.

I very much regret that the House Journal could not be found, so as to exhibit the meritorious action of the representatives in 1881 upon the bill. Some account is given of the House proceedings in J. J. Lane's History of the University, pages 197-199, which may be referred to.

As to the part taken in it by Representative Hutcheson of Houston, I can say that I regarded him as one of the most active and efficient adherents of my administration generally in the House of Representatives, which I gratefully appreciated. I recollect distinctly that it was reported at the time that he objected to that part of the bill which provided for a president, and that it was upon his motion that it was stricken out of the bill. It was said that the reason he did it, was that he had been a student of the Virginia University, that has a chairman of the faculty, but not a president. It is reported in J. J. Lane's History of the University, page 203, that Mr. Carl[e]ton, the member of the House from Austin, made an earnest appeal for the University.

The fact is that, according to my recollection, there was no active or stubborn opposition to the establishment of the University from any quarter in the Legislature of 1881, that the only difference manifested was as to a few of the provisions of the bill as it was at first introduced, which caused amendments to be offered, and a few of them to be passed, in perfecting the bill, and that when thus perfected it passed without any material opposition.

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But I do recollect that Austin was nominated for the entire University, and Galveston only for the medical department. During the canvass of the location I was personally placed under what might be considered a serious embarrassment by the nomination of Tyler, which was the place of my home, that I had prepared as a residence for the balance of my life, surrounded by many much valued friends, and situated in a section of the State where I had lived for forty years. I believed that the capital of the State was the proper place for the University entire, except the Agricultural and Mechanical College, already established, and the branch for colored youths not then located, and had repeatedly so declared officially and otherwise. It would have been unworthy of me, and of the public position occupied by me, to have changed my course, either on account of my own pecuniary interest, or of my feeling of friendship personally for my fellow-citizens in Tyler and throughout Eastern Texas, to whom I had long been under obligations for their generous public support. Therefore, I continued to support the capital, as announced in my first inaugural, and yet believe that it would have been to the interest of the State for the whole University, with the exceptions above stated, to have been located at Austin, the seat of government of Texas. Still, I as one cheerfully abide the result of the vote of the people in that election.

The votes at the election having been returned to the office of the Secretary of State, were counted there in my presence on the 17th of October, 1881, and the result of the election determined by the Secretary, assisted by his clerks, which showed that Austin was elected for the main University, and Galveston was elected for the medical department, of which public notice was given. A tabular statement of the vote was made, which is now in the office.

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Pursuant to the 15th section of the law organizing the University . . . . . proclamation was issued to convene the Regents . . . . . at Austin on Tuesday, the 15th of November, 1881: . . . . . Before the meeting of the Board of Regents, an incident occurred showing an interest in the University by persons beyond the limits of Texas. Colonel George Flourney, having moved from Texas to California, informed me by letter that Judge Hastings, of that State, an elderly gentleman, who had been a judge of the Supreme Court in one of the Northwestern States, and afterwards Chief Justice of the Supreme Court of California, and who had donated one hundred thousand dollars to the law department of the University of that State, desired to visit Texas on some private business, and had expressed a wish to come to Austin at the time that the Regents should meet, to give his assistance and encouragement in the organization of the University

of Texas. I notified him of the time, and gave him a cordial invitation to be present according to his desire. He came, and was welcomed by the regents, who had been previously informed of the object of his visit. The regents met at the day appointed in the proclamation, as I now recollect, in a room of the Supreme Court house, that stood in the rear of the old capitol, that was accidentally burned in the fall of 1881, and there held their first session. I addressed them a letter from which it may be seen that some of the regents originally appointed had declined to accept, and others had been appointed by me to fill their places. The letter had reference to the fund of the University. [See p. 721.] As I had appointed these regents, I felt a delicacy in being present with them in their sessions, except upon their invitation, and, therefore, I can speak of their proceedings, with one or two exceptions, only from information conveyed to me by conversations with some of the regents. In that way I learned that after examining my letter and the reports submitted to them, the smallness of the funds at their command caused them, or some of them, to rather doubt the propriety of an immediate effort to then commence the work for which they had assembled as regents. They met at night in a room in the hotel to consult freely upon it, and Judge Hastings was present at their meeting. He was a large old gentleman, whose personal appearance indicated great force of character, and after quietly hearing the views of the regents, which tended towards immediate action, upon their invitation he addressed them upon the subject, and, after recounting his large experience in such matters, he urged them to commence the work at once to the extent of their present ability, and rely confidently upon being supported in their further progress by the people of the State. Doubtless these views but reflected the sentiments of the regents, or at least a majority of them, and encouraged them in their determination in favor of immediate action. . . .

A special session of the Legislature was convened on the 6th day of April, 1882 . . . .

Senator Stubbs introduced a bill (No. 20) to appropriate two millions of acres of land to the University, and to provide for survey and sale of same. Senator Swain introduced a bill (No. 22) to appropriate three millions of acres of land for the University. There was an effort by several Senators to have a bill perfected recognizing the validity of the bonds that had been reported of doubtful validity. Upon the bill for appropriating two millions of acres of land, Senator Terrell made a forcible speech rebutting the idea that the University would be only a rich man's school, and urged the real necessity of the appropriation to make the school what it should be. Extracts from it may be seen in J. J. Lane's *History of the University*, on pages 21-3. The bill passed in the

Senate, but failed to pass in the House of Representatives. Still the effort was not in vain, for at the next session in 1883 one millions of acres of land were appropriated and the bonds of doubtful were recognized as valid.

During the month of June, 1882, the State Teachers' Association, held at Galveston, was attended by Col. Ashbel Smith and myself. We both made addresses to that body, explaining the status of the University, the necessity for an increase of its funds, and asking their good offices for its encouragement throughout. Many expressions of good will for its successful establishment were made in response to our efforts.

Col. Ashbel Smith, actuated by his zeal in the cause, during that year, at his own expense, made a visit through the Southern States to the North, to obtain information in regard to first-class educators, who could probably be secured as professors in our University when prepared to receive them. The result of his investigation gave essential aid in the selection afterwards made of professors.

The elevated locality whereon the main University stands, embracing forty acres of land, selected when the city of Austin was surveyed for the State capital, was for many years called "College Hill." Its top was originally covered by a beautiful grove of liveoak and other kinds of trees, that were cut down, as it was reported, by order of General Magruder, during the war, in order to place cannon there to defend the city of Austin. . . .

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In conclusion, it should be recollected that this is not an attempted history of the University of Texas, but only some account of its establishment, by stating what had been previously done towards it, and by stating, to the extent of a limited information, what I and others said and did. In a democratic Republic, no one man can accomplish any great measure of government. He may start or revive the movement for it, or strongly advocate it, or lead in the steps taken for it; still, there must be a public opinion actively demanding it, and those who are in authoritative control of the government must co-operate in its final consummation. If all that each person did, in his appropriate sphere of action, could be ascertained and stated, it would doubtless fill an ordinary-sized volume.

I happened to be placed in a position in which it became my duty to direct the course of public affairs in the administration of the State government as best I could, and being strongly impressed with the public necessity for a University, I simply endeavored to have created throughout the State a public opinion, pressing for it, by enlisting the efforts and influence of the teachers, and

through them, the people generally interested in education, and presented the subject before the Legislature.

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**ALLEN'S REMINISCENCES OF TEXAS, 1838-1842**

Edited by Mr. Wm. S. Red

*The College.* About the time the above mentioned history was written, Col. Wm. H. Wharton, then a Senator in Congress, spoke to me about the establishment of a University in Texas, and paid me the compliment of proposing that I should be put at the head of it. This was as near as I ever came to being a President of a University! In 1840, the Rev. W. L. McCalla set Galveston all astir on the subject of starting a great University in the Island City. It was at the time of Dr. Baker's first visit to Texas, and to him, in after years, Austin College owed more than to any other man. May the College take and hold root in its new location, and send out a healthful influence all over the State. (Dec. 4th, 1878).

*Education in the Republic.* (*Texas Presbyterian* IV, No. 3, March, 7, 1879.) I notice some writing, in the *Texas Presbyterian* of this week, on the subject of Education. I am sorry to hear the charge of indifference to the subject by so large a portion of the population. Let me give a reminiscence on the subject.

In Nov. 1838, the Second [Third] Congress of the Republic meet in Houston. In the appointment of the House Committees, Col. John Wharton was first on the Committee of Education. A few days after Congress met, he was laid upon a sick bed. His disease proved fatal in a few days. I was then Chaplain of the House, and, at his request, visited him several times during the earlier stage of his sickness. During one of these visits, he requested me to write a Report for the Committee on Education, of which he was the Chairman. In compliance with his request, I wrote an extended Report, urging the importance of the early attention of Congress to make timely and ample provision for education, as the only safe ground of hope for the permanent prosperity of the Republic, and to foster such measures as would raise the vocation of the teacher to respectability and honor. After Col. Wharton's death, I handed the Report to the next member of the Committee, supposing that, of course, he would be the chairman. But the member who was appointed in Col. Wharton's place claimed the Chairmanship, took the paper that I had prepared, wrote a page or two by way of introduction, and had it and my paper read as being all his own, without a word of explana-



tion. He was from the Red Lands, I have forgotten his name. (Ezekiel W. Cullen.) I suppose the Report is still in the archives of the Republic, in my hand writing. (An investigation did not locate the manuscript. The body of the report is in Allen's style). If the Wharton brothers had lived, I think the cause of Education would not have slumbered so long.

P. S.—In a former reminiscence, I made mention of Wm. H. Wharton's proposal, during the Second [Third] Congress, to take measures for the founding of a University for the Republic. And now, after forty years, the fifty or sixty students of Austin College is rather a poor showing for a population of two million. Austin College has changed its place. Rutgersville, the Senior, changed its character, and of Baylor, I am not advised. (Feb. 28, 1879).

January, 1915. Vol. XVIII, No. 3, pp. 302-303

*The University.* Rockville, Ind., Oct. 4, 1881

*Texas Presbyterian*, VI, No. 36. Oct. 28, 1881). The University! Is it coming at last? It is more than forty years since Wm. H. Wharton, a Senator of the second (?) Congress of the Republic, made mention of the subject to me; it was in Dec., 1839. Congress was then in session, and the Senator thought it was time to be taking steps to found a University. There were, then, perhaps, a hundred thousand people in Texas. Dr. Ruter, had, as he thought, laid the foundation of a University for the Methodist Church, but he "died without the sight." After nearly twenty years, I passed within sight of a Military Academy, on the ground where the University was to have been. Then, the Baptists undertook to have a University at Independence, with, I think, but a local success. About 1840, Rev. W. L. McCalla came to Galveston and set the Island City all agog on the subject of a great University; and now, after more than forty years, it seems that Galveston would be satisfied with the Medical Department of such an institution. In the meantime, the Presbyterians modestly undertook to found a Presbyterian College, and with but moderate success. The time was not yet for such enterprises, while the people of the nascent state were struggling to secure new homes, and scattered, as they were, over the broad territory. The Wharton brothers, William and John, would have, but for their early death, been foremost in the cause of education. Wm. H. Wharton was a scholarly man, and John Wharton, on what proved to be his death bed, requested me to write a report for him as chairman of the Committee on Education. I wrote as requested, and the first report made to Congress of the Republic, I suppose, could be found in my handwriting, except a page or two in the beginning, in the archives of the Republic. (Oct. 14th, 1881).

**LANE, HISTORY OF THE UNIVERSITY OF TEXAS, 1891**

Land Commissioner Walsh's Statement, pp. 133-135

"The land legislation of the State of Texas so far as it affects the University, has been a series of errors, if we may be charitable enough to so describe a succession of laws which have stripped the University of what would have been an ample endowment.

"The fathers of the Republic of Texas before they had fairly escaped from the dominion of Mexico granted to the future University, fifty leagues (221,400 acres) of land. These leagues were located largely in Cooke, Clay, Grayson and McLennan counties. Having been selected at an early day, they embraced the choicest lands in the republic and as the country settled up, they were coveted and squatted on by homeseekers. The influence of these settlers secured the passage of several acts providing for the subdivision and sale of the fifty leagues. They were cut up into quarter sections and sold to actual settlers at \$1.50 per acre on ten years time with ten per cent interest. The statutes of the State from that date until the adoption of the constitution of 1876, will show at each succeeding session, 'An Act for the relief of purchasers of University lands.'

"The object and effect of these various laws was to cancel previous obligations of purchasers, remit due interest and allow a repurchase at original price. The result was to finally dispose of these valuable lands at a price far below their actual value and to deprive the University of a large sum due for interest. In addition to these losses, a conflict with an old Mexican grant in McLennan county, caused the loss of several thousand acres.

"In 1854, the State provided for a subsidy of sixteen sections of land per mile for construction of railroads, to be located in alternate sections; i. e., for each of the sixteen sections surveyed for the railroads a section adjoining should be surveyed for the common schools. It was further provided by act of 1858 that every tenth section, so surveyed for education, should be set aside for the University. Under this statute the University was entitled to something over 1,000 acres of land for each mile of railroad built, and the law remained in force until repealed by the constitution of 1876. At the date of this repeal the railroads had received grants for near 1,800 miles of road, and the University was then entitled to something over 1,750,000 acres of land. These locations, it must be remembered were not grazing lands on the plains, but were situated in such counties as Dallas, Navarro, Ellis, Bell, Harris, Williamson, Fort Bend, etc., embracing the choice agricultural lands of the State. The constitutional convention stripped the

University of this magnificent endowment, and substituted therefor 1,000,000 acres which when surveyed, could only be secured in Tom Green and Crockett counties, where the lands were all so much less valuable than in the other counties. Thus 1,750,000 acres, worth then an average of \$5 per acre, were taken away, and 1,000,000 acres at 50 cents was substituted. In the selection of this western land, it was discovered that about 25,000 acres of irrigable land, situated on the Rio Grande, below El Paso, was wrongfully claimed by speculators, under a grant already satisfied, and this amount was embraced in the land surveyed for the University. If proper steps had been taken by the State, this land might now be yielding a handsome revenue; but the blight which seems to rest upon all University lands, has settled on this, and so far nothing has been done to assert the right of the University.

"In conclusion let us sum up what the University should have had, if the intention of our early legislators had been respected:

Fifty leagues at \$1.50 per acre.....	\$ 332,100
Ten years interest at 10 per cent.....	332,100
One million seven hundred and fifty thousand acres at	
\$5.00 per acre.....	8,750,000
Interest on deferred payments (say 25 per cent)....	2,187,500

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Total .....\$11,601,700

It is doubtful if the University will realize 10 per cent of this amount from land donations. Twelve million dollars will probably not more than cover a close estimate."

[Comment by Lane.]

Captain Walsh further states that he called the attention of General Darnell and other prominent members of the convention of 1875 to the fact that the million of acres, proposed to be substituted to the University, for the railroad alternate lands, would not be an equivalent, by a rate of five to one, either in quantity or quality, for the original grant, but the convention seemed determined to make the substitution in the interest of the free public schools. General Darnell, in fact, suggested to him that a "million acres of land was enough for any kid glove institution."

**Letter of Comptroller Wm. J. Swain to Hon. Ashbel Smith, President  
of the Board of Regents, September 15, 1883, pp. 270-272**

"I have the honor to acknowledge receipt of your communication requesting that the board of regents be informed what the ruling of this department is in reference to the disposition to be made of the interest arising from the notes held by the University fund given for the purchase of University lands.

"I beg to say in reply that after an examination of the laws bearing on this subject I consider the interest on the land notes held by the University fund as property, a part of the available University fund, and as such is included in the appropriation made in section 18 of 'an act to establish the University,' approved March 3, 1881.

"On examining the records of this department, I find that Hon. S. H. Darden, former comptroller, in his report to the Governor for the year ending August 31, 1880, took this view of the subject. On March 30 following Mr. Darden's report, the act, 'establishing the University of Texas,' was passed, which act in section 18 declares: 'The salaries and expenses of the University shall never exceed the interest on land notes is not a fixed sum, as the interest on these notes the purchase of land being a part of the land sales fund, the interest on the notes would be included in the amount permitted by the statute above quoted to be expended for the salaries and expenses of the University.

"Under this view of the question the available University fund on September 1, 1883, was as follows:

Funds on hand in cash.....	\$ 61,315.86
Funds on hand in bonds, subject to be converted into cash.....	8,308.37
Interest on land notes which properly belong to available University fund.....	86,950.94

Total available for September 1, 1883.....\$156,575.17

"The permanent University fund, September, 1883, was as follows:

Five per cent bonds.....	\$ 69,091.65
Six per cent bonds.....	175,500.00
Seven per cent bonds.....	114,000.00

Total bonds.....\$358,591.65

Cash on hand September 1, 1883.....\$253,823.52

Less amount interest on land notes

due the available University fund.. 86,950.94 \$166,872.58

Total permanent University fund, September 1,

1883.....\$525,464.23

"The permanent fund now yields an annual increase to the available fund as follows:

Interest on bonds.....	\$ 21,964.58
Interest on land notes, former years, say.....	7,000.00

Total.....\$ 28,964.58



"To the above should be added interest derived from investment of the \$169,872.58 cash on hand.

"It will be borne in mind that the amount to be derived from interest on land notes is not a fixed sum, as the interest on these notes is being annually diminished by partial payment of the principal."

**Issue as to Regents' Term of Office; pp. 287-288**

At the beginning of the session of the Twenty-first Legislature, Governor Ross, in violation of the precedent which had been followed for the past nine years by all his predecessors, and in face of the statutes on the subject requiring appointment of but two of the University regents at each successive term of the Legislature, sent in appointments for an entire board of eight members for confirmation by the Senate, thus officially asserting, as far as his action would go, that the terms of the members of the board had expired, but for what purpose unless to change the precedent does not appear, as he made no change in the existing membership of the board. In the minds of the friends of the University, however, his action threatened a grave crisis in its history, as had he succeeded in the effort it would have changed the precedent and served to place the board of regents in the hands of every incoming Governor for appointment or dismissal and thereby have made the board a mere political office. The Senate fully appreciating the danger likely to result from the Governor's action, respectfully returned the appointments, stating that in their judgment there were but two vacancies in the board. It was not till near the close of the session that the Governor sent in the names of two appointees to fill the vacancies, which were duly confirmed, and thus what was considered a prospectively dangerous blow at the University was averted. One of the evils apprehended was that on account of the uncertain tenure of partisan boards and consequent uncertainty of any faculty being retained, the professors would feel too insecure to risk the chances of retention and would resign for better assured positions. It might naturally be expected also that the University would be liable to rather frequent political changes in its general management, and it is believed that but for the fact of the regents having one of their members, Senator Simkins, to represent the University in the Legislature and explain its interests in the matter, the result might have been otherwise. The incident too is regarded as an illustration of the propriety of removing such institutions from political control of their practical operations.

As to Governor Ross, it is due him to state that he claims that his intentions have always been friendly to the institution. As to Governor Hogg, his expressions since his election as State executive have been decidedly friendly and the new Legislature is also believed to be kindly disposed to the University.

[S. J., Twenty-first Legislature, p. 66, gives the nomination of 8 Regents.]

[S. J., Twenty-first Legislature, p. 70, gives their confirmation.]

## THE ALCALDE

J. C. Hutcheson, Vol. 1, p. 74.

At the time the law organizing and establishing the University of Texas was passed, Mr. J. C. Hutcheson, of Houston, was a member of the House of Representatives. Recently he was asked to tell how the passage of the bill was brought about. He writes, as follows:

"Without any preliminary statement, I will simply give you the facts which attended the passage of the bill by the Seventeenth Legislature and initiating our University.

"The establishment of the University came up before the Committee on Education, of which Hon. George Todd, of Jefferson, Texas, was chairman, and I the second member of the committee. In view of the engagements of the chairman of the committee, George Todd, in other branches of legislation, the subject of the establishment of the University was left to a sub-committee, of which I was chairman.

"The Senate made a similar provision in regard to the bill and appointed a sub-committee, of which my recollection is Senator John Buchanan, of Anderson county (I think), was chairman; and the two sub-committees were entrusted with the formulation of a bill. On the meeting of the two sub-committees, I was selected as chairman, and Mr. Buchanan and myself were entrusted with the framing of the bill.

"Being very intimately acquainted with Professor O. H. Cooper, who at one time was superintendent of the Houston schools, and knowing his thorough acquaintance with the subject matter, Mr. Buchanan and myself availed ourselves of his very valuable information, and the result of our work in that regard was a bill formulated and introduced into the Lower House of the Legislature by me, I reporting the same for the Educational Committee. This bill, to my amazement, met with opposition from quite a number of the members of the Legislature, some of them prominent and influential men, and I was given in charge the engineering and passage of the bill through the House, and together with the co-operation of other friends, the same was successfully passed and sent to the Senate, and with but few, if any, modifications was passed by that body. My recollection, none at all.

"I should say, however, that during the progress of the formation of the bill, quite a controversy arose over two questions; one was whether there should be a president of the University, against which I contended, and the other was for the co-education of male and female, to which I was seriously opposed, but was finally overcome in this regard and influenced to yield my prejudices, and mainly

through the instrumentality and influence of our deceased and illustrious fellow citizen, Alexander W. Terrell, who was then a member of the Senate from Travis county. Indeed, we finally compromised by a unanimous agreement to dispense with the president in accordance with my contention, and incorporating co-education according to the contentions of Senator Terrell.

"Later on, the Legislature of the State made a change in regard to the question of a president, and a bill was passed providing therefor, showing that my views on the subject did not meet with the approbation of subsequent sentiment of succeeding legislators; but I must ascribe my prejudice perhaps to having been imbibed by my being a graduate of the University of Virginia, which, up to that time, had not a president, and which has likewise fundamentally changed in that regard. I have understood that Senator Terrell, at his death, had quite an extensive compendium of a great many subjects, and I have no doubt you will find among his papers further light upon this matter than I have herein given that may be of interest to you.

"I will add that Governor O. M. Roberts brought to bear on the Legislature his entire influence and gave us his entire co-operation in regard to the passage of the bill, and the inauguration of our splendid institution, and as those gentlemen who opposed the bill are most of them in their graves, I do not deem it proper to give their names in this memorandum, as it could not properly serve any good purpose so to do. I respectfully refer you to Honorable Geo. Todd, of Jefferson, Texas, perhaps *now* of Marshall, Texas, for any further information which may be desired upon the subject. I am sure you will find in Governor Roberts' History of Texas, a reference to the University bill, though I do not recall whether this is so or not and am now too busy to look the matter up.

"I may add that I am very proud of our institution, and patronized it by sending two of my boys, who graduated there with some distinction to themselves and gratification to me."

**LETTER OF DR. OSCAR H. COOPER**

**November 15, 1891; Letter of Governor O. M. Roberts to Professor Oscar H. Cooper**

I wish to prepare to have published, for preservation in the University, a full account of the efforts of persons, (including yourself) who actively participated in the establishment of that institution at Austin during my administration as governor.

With that view I wish you to state all that you know and did in the matter. . . .

I know that you were the most active person in this whole matter, and I desire to make no statement on this matter from my memory. Please address your letter to me so shaped as that you would be willing for me to insert a copy of it in my publication.

I am going to write to Judge Terrill and to Mr. Hutchinson of Houston to make statements to me about this matter, as they both claim to have had a leading part in framing and passing the bill for organizing the University.

**November 19, 1891; Letter of Professor O. H. Cooper to Governor Governor O. M. Roberts**

Your letter of the 15th inst. was received yesterday and its contents carefully noted. I shall endeavor to give you a faithful but necessarily brief account of all that I know and did in the matter of the organization of the University of Texas during your administration as Governor of the State.

This matter was the chief subject of my thoughts during two years, from sometime in January 1879 to the latter part of 1881.

It was in January 1879 that I first became aware of the extent of the present and prospective endowment of the University. A meeting of the representative teachers had been called to meet at Austin by the Rev. Dr. Burleson. In his note of invitation to me, Dr. Burleson stated that the meeting was called by him at your request, so that as Governor, you might have the advice and counsel of workers in education in reference to the education policy to be pursued. I was then the President of Henderson College in the eastern part of the State. I was made secretary of the Association, and also participated in most of the discussions. The establishment of a Normal School, several reforms in the school law, grading of certificates, the organization of the University and several other questions of fundamental importance were discussed with as much ability as I have seen manifested in any of the numerous educational meetings which I have since attended. Dr.



Barnas Sears was present and aided much from the rich stores of his wide knowledge and experience. The conclusions reached by the Association were embodied in a Memorial to you. I was a member of the Memorial Committee and was selected to present the Memorial. It was the expressed wish of the Association that this Memorial should embody only those matters on which the Association was unanimous. For this reason, no mention was made of the University of Texas in this Memorial. The Association was divided in sentiment as the best mode of organizing the University. Dr. Burleson, Dr. Crane, the Vice-Chancellor of Trinity University, the President of the East Texas University and several other prominent gentlemen, who were interested in denominational and local institutions, had agreed to present the New York plan, under which the University fund would be distributed among the colleges and academies of a certain standing throughout the state. I had the honor to lead the opposition to this plan, and an indefinite postponement was secured. I favored the concentration of the university endowment in a single institution, as the constitution seemed to require. This discussion led me to investigate the condition of the university endowment, and this investigation led me to the conclusion that further delay in the organization was unnecessary.

My first conversation with you on this subject occurred on the day of the opening of the Sam Houston Normal Institute in October, 1879. We were guests at the dinner table of Col. T. J. Goree, and I was seated between you and the Hon. Roger Q. Mills. I proposed the organization of the University of Texas. The matter was at once taken up by yourself and Col. Mills and earnestly discussed. In consequence of the strong interest manifested by you, I wrote to you a short time afterwards asking your opinion in detail as to the availability of the university funds and the mode of organization. It was my intention then to present the matter, as I afterwards did, to the next meeting of the State Teachers' Association in 1880. Your reply was clear and unequivocal—I have it still—favoring the organization at the next meeting of the Legislature. A later letter from you elaborating some of the points mentioned in the first letter, I handed to a reporter of the Galveston News, who published it. The News made it the subject of editorial comment. The "University" was a constant subject of discussion between my friends, Col. Goree, Col. McKinney, Maj. Braham and myself at Huntsville, where I was teaching in the Normal School. They were all friends of the movement.

A very young man, a *novus homo*, and without the prestige of a wide reputation, I felt the necessity of "making public opinion" and set about it systematically. One thing counted more than anything else I did in this direction. I proposed to the International Review, published in New York, and then edited by Lodge and

Morse, to furnish them an article on the "University of Texas." The editors replied courteously inviting me to send the article. I did so and the article was duly published. The Review Co. placed one hundred copies of the Review at my disposal. These were sent to the U. S. Senators from Texas and the members of Congress, the members of the State Senate and to about two thirds of the members of the House of Representatives of the State. Favorable notices appeared in the editorial columns of the New York Evening Post, the Galveston News, the Houston Post and many other papers in the State which received copies of the Review from the publishers. I know something of the effect of this article from letters received from many sources and persons among whom I recall Senators Coke and Maxey, every Texas Congressman and Col. Ashbel Smith. Senator, afterwards Governor, Ross was so good as to tell me that this article was his guide and inspiration in University legislation that followed. The article was also published in somewhat different form, in the Texas Journal of Education.

In July, 1880, the State Teachers Association met in Mexia. I went to this meeting chiefly for the purpose of getting a Memorial Committee appointed on the organization of the University. I had written urging you to attend the meeting, as doubtless other teachers had done, because I wanted your powerful influence to make it certain. You were present and took occasion in an evening address which gave great pleasure to the Association, to advocate in the strongest terms the early organization of the University. On the next day, I presented the matter in detail, and procured the appointment of a Memorial Committee to present to you, as Governor, and through you to the Legislature a petition for the immediate organization of the University of Texas. I was appointed on this Committee and was afterwards elected its Chairman. During the following five months I gave much attention to the matter and called a meeting of the Committee at Austin in January, 1881, soon after the opening of the Legislature. The Committee met, agreed on a Memorial, presented it to a called meeting of the Association which submitted the same to you. It was transmitted by you in a special message to the Legislature on the next day, I think. I remained in Austin for some time for the purpose of rendering such assistance as my knowledge of the subject might enable me to give. I was known to possess your confidence and I had strong personal friends in both Houses. In the Senate, Hon. R. M. Wynne and Hon. John C. Buchanan of Wood; in the House, Hon. B. M. Baker, Hon. Geo. H. Gould of Henderson and several others were trusted friends. Sub-committees on the University were appointed from the education committees of both Houses and at the request of the members of the sub-committees, Buchanan and Wynne of the Senate and Gould of the House, I agreed to draw

up a bill. Through some member, I learned that Col. J. C. Hutchison [Hutcheson] of Harris had drawn up a skeleton of a bill and, while I was drawing up the bill, I sought Mr. Hutchison and he gave me his notes, of which I made some use. I had asked Col. A. T. McKinney, sometime before the Legislature met, to talk the University over with Mr. Hutchison and he had done so. In the preparation of the bill I was aided by Mr. Hollingsworth, the Secretary of the State Board of Education. After I completed the bill I invited Senators Wynne and Buchanan, Representatives Gould and Hutchison and Secretary Hollingsworth to meet in my room in the Old Raymond House (Room 43) to discuss my work and agree upon the final form of the bill. I used, in the preparation of the bill, the statutes providing for the organization and government of the Universities of Michigan and Virginia, which were courteously furnished me by the Secretary of State. Mr. Hollingsworth following to some extent Mr. Hutchison's notes dictated the part of the bill which provides for the election of the location of the University by popular vote. In the meeting called at my room in the Raymond House, Senators Buchanan and Wynne, Representative Hutchison, Secretary Hollingsworth and some one else whom I cannot now recall, but not Judge Gould, were present.

The bill was carefully gone over, section by section, and a few changes were made, none without my full concurrence. Mr. Hutchison was at first unwilling to agree to the provision for a permanent President elected by the Board of Regents, preferring an annual chairman of the Faculty elected by the Faculty; but I was insistent, and he withdrew his objection. Two clauses of the bill as I drew it originally were omitted by agreement. One of these provided for a University corporation, like that of the University of Michigan, and the other authorized the Regents to establish fellowships, like those of Johns Hopkins. It was thought that these provisions would arouse opposition. One provision was added by Senator Wynne, that allowing women to enter on the same terms as men. This was stated to be your desire. I was not in full sympathy with this provision, but have since become convinced that you and Senator Wynne were right. All present agreed to put the bill through in the form agreed on, Senator Buchanan expressing a desire to introduce it in the Senate and Representative Hutchison agreeing to introduce it in the House. I made a new draft of the bill and gave it to Senator Buchanan and a copy was furnished Mr. Hutchison. Mr. Buchanan introduced the bill in the Senate, but Mr. Hutchison I think, never introduced it or any similar bill in the House. [This is an error. See H. B. 393, Seventeenth Legislature.] The bill passed the Senate without change, I believe, and remained in the House without action until the end of the session was approaching when it was amended by substitut-

ing an annual chairman of the Faculty for a President of the University and passed, the Senate concurring. I remained at Austin as long after I completed the bill as I could leave my classes and long enough to assure myself that the bill would meet with no serious opposition. During this time I talked with many members in both Houses on the subject and, so far as I can now recall, found only one pronounced opponent of the passage of the bill—Hon. Harry Haynes—and his opposition was based, he said, on his belief that the action was premature.

My part in this movement has always been a source of satisfaction to me. Whether the work I did was essential or not, I do not know, but it was honestly believed to be so by myself and those with whom my relations were intimate. Otherwise I should not have given to it so much time and money.

It seems to me probable that my confidence in success, based as it was on your sympathy and paramount influence with the people and the Legislature, and my zeal, which was prompted by a patriotic desire to see Texas fulfill the purposes of the founders of the Commonwealth in establishing a seat of the highest learning, must have exerted a marked, if not decisive influence on those who were uncertain or indifferent. Certain it is that I was the chief author of the bill which was introduced by Senator Buchanan and which, with the amendment recited, is the law under which the University was organized and exists to-day.

I have written rapidly and without notes, but my interest in the matter was so keen and lasting that I should not hesitate to make oath to all that I state from my own knowledge.

**June 25th, 1892; Governor O. M. Roberts to Professor  
Oscar H. Cooper**

I return you this letter with the request that you will give it a place in your history of Education in Texas. It presents your action in regard to the origin and organization of the University of Texas correctly, to which I take pleasure in giving my endorsement.

[Endorsement on the back of Dr. Cooper's letter to Governor Roberts.]



**TEXAS ALMANAC****For 1858, p. 91**

The last Legislature made an appropriation for locating and surveying 400,000 acres for the benefit of the Asylums; and 22,255 acres, the balance of the fifty leagues of the University lands. . . .

[These University lands are within the areas now called Callahan and Shackelford counties.]

**For 1859, p. 24**

[From a synopsis of the laws passed by the Seventh Legislature.]

The University of Texas is to be hereafter located; and the present act appropriates 100,000 dollars for suitable buildings; and fifty leagues of land, heretofore set apart for two State universities, are given to this, together with every tenth section of the lands reserved to the State from the donations to railroads and to the Galveston Bay and Brazos Navigation Company. A Board of Administrators, consisting of ten, namely, the Governor and Chief Justice of the State, and eight men, to be appointed by the Governor with the approval of the Senate, are to direct and control the affairs of the institution, holding their office for four years without compensation. All the higher branches are to be taught; but nothing of a sectarian character. Degrees are to be conferred by the Administrators, who are also required to report to the Legislature at every session. The instruction is to be free, the State Treasurer is to be the Treasurer of the University. As soon as this institution shall be located, by some future law, the Administrators are required to have suitable buildings erected, under the direction of a competent architect.

**For 1860, 1861, 1862, 1863, 1864, 1865, 1867, 1868, 1869**

[Only references are in the financial summaries of the reports of the State Treasurer and Comptroller.]

**For 1870, p. 85. (By Rev. H. S. Thrall)**

One hundred thousand dollars in United States bonds and one hundred and twenty-five [50] leagues of land have been set apart for a university fund. Our system of common and graded schools ought to be well under way before we commence university education. The fund, however, ought to be sacredly guarded so that by the time we shall need it it will be ample for the establishment and maintenance of a first class university.

**For 1873, p. 154**

In 1839, the Congress of the Republic directed the President of Texas to have fifty leagues of land set apart for the University of Texas. This land was located in different counties. We will give some of the principal tracts, leaving off fractions: Cooke county, 23,000 acres; Collin, 2,000; Fannin, 35,000; Grayson, 80,000; Hunt, 8,000; McLennan, 42,000; Shackelford, 22,000; and some small tracts in other counties, making a total of 810,000 [?] acres. Some, though a comparatively small portion of this land, has been sold.

In 1856 [?] our Legislature set aside \$100,000 in United States bonds for the University, and one-tenth of the reserved railroad lands for the same purpose. The other nine-tenths, reserved sections of railroad lands, went to the common school fund.

The University fund with its accumulated interest amounted in 1860, to nearly \$500,000. Mr. Wheelock, in his reports as Superintendent of Education in 1868, says that during the war \$379,168 of the University fund was expended for other purposes, leaving in the Treasury but \$134,172 in State warrants.

There was at one time before the Legislature a proposition to establish two State Universities, one west and the other east of the Trinity river. We hope this will never be revived. The facilities for traveling are so great that one will answer all necessary purposes. Let there be: 1. One high grade school; do not compel the professors to teach elementary branches at all. Admit only scholars pursuing advanced studies and seeking high mental culture. 2. Let it have complete furniture, library, apparatus, etc. 3. A rich pecuniary endowment. 4. Be plentifully supplied with brains—brains in men of high mental and moral culture.

One good, well endowed, well patronized University of Texas, will unify our great State and give a homogeneity to our population. We need be in no hurry, however, about locating it. It may yet be found advisable to put it on some of our University lands.

If Texas should be divided, the youth of all the States formed from our present territory should have equal privileges in our University.

**For 1904, pp. 174, 177-179.****For 1910, pp. 31-32****For 1912, pp. 125-126****For 1914, pp. 111-112**

[Each of the above references contains a short description of the University, written ordinarily by some member of its staff.]

**MISCELLANEOUS**

**Address to the People of Texas [By Governor J. W. Throckmorton,  
Concerning His Administration After His Removal  
From Office, August 8, 1867, by  
Federal Authority]**

**Lane, pp. 37-38; Weekly State Gazette, Aug. 10, 1867; Dallas Herald,  
Sept. 7, 1867; Published as a Pamphlet, 1873**

As required by a joint resolution of the last legislature a board of administrators of the University of Texas was appointed. The board met and organized February 15, 1867. After considering the various questions connected with their duties, it was concluded not to make a selection of a site for a University, but to examine localities where donations were offered, and points which presented favorable considerations. The Legislature set aside twenty-five of the fifty leagues of University lands for the endowment of the East Texas University, and appointed a board of administrators to select a site for the same. I am not advised of any action of this board.

Under an act of November 13, 1866, M. W. Allen was appointed an agent to select and sell portions of the University lands and to superintend the correction of conflicting surveys, etc. Selections have been made in Grayson county and sales took place August 1, 1867. Another selection in Fannin county is to be sold the first Monday in September next. I presume other selections have been made, but not yet reported. Mr. Allen has personally inspected the lands and selected those most likely to bring fair prices.

There remains unpaid on University lands, heretofore sold by John H. Brown, principal and interest due August 1, 1867, \$30,-035.53 specie. These lands are, under the law, subject to re-sale. The necessary papers have been prepared at the treasury and in the land office, under the supervision of Attorney General Walton for the purpose of advertising and selling these forfeited lands. Under the direction of the Act of November 12, 1866, specie bonds of the State, with 5 per cent coupons attached, to the amount of \$134,-472.26, have been executed and placed in the University fund in lieu of this amount, with interest belonging to said fund, used under direction of former legislation.

On February 28, last, I forwarded to Hon. B. H. Epperson the acts of the legislature accepting the land scrip donated to the different States by congress, for the endowment of agricultural and mechanical colleges, with authority to receive the same, etc. The authorities declined to issue the scrip.

**Texas and Texans.** By Frank W. Johnson; Edited and Brought Down to Date by Eugene C. Barker, 1914.  
Vol. III, p. 1441.

HON. GEORGE PFEUFFER

In 1880 Governor O. M. Roberts appointed him one of the directors of the Agricultural and Mechanical College of Bryan.

This was the beginning of his remarkable career. Here he found a field for the exercise of those remarkable qualities that distinguished him; for when, as Senator from the Twenty-fifth District, he was sent to the Eighteenth [Nineteenth] Legislature, shortly afterward, so deeply interested was he in the scheme promised by the scope of the Agricultural and Mechanical College as his broad mind pictured it, or thought it should be; so much of good and real usefulness to the state did it promise if properly administered and developed, that he begun at once to take steps to put it upon solid foundation, and to ensure its support and protection by the state, equally with other branches of education. Here was something like they have in the old world—a school of art, a school to fit the youth of Texas for every-day practical work. And we may also say, here was the beginning of his troubles; for never was a man more misrepresented—we will not say misunderstood—and for his zeal he received from the press and a part of the people curses deep and loud. He was accused of being the enemy of education, of trying to destroy the State university, and a thousand other things equally absurd. But he was brave and courageous, and though his generous heart was stung and bruised by these great injustices, he never despaired; he had the courage of his conviction that he was right to sustain him, and he trusted to results; to the future to justify and approve; trusted to the intelligence and better sense of the people after the cloud of misrepresentation should have been swept away by the sunshine of truth.

The state has provided most munificently for her schools. It was thought this newly inaugurated school and branch of the University—a most important step—should be entitled to a portion of the school fund, and accordingly Senator Pfeuffer, among his earliest acts in the Eighteenth [Nineteenth] Legislature, introduced a bill for that purpose. True, the bill called for a reduction of the salaries of some of the University professors, and this, it seems, was the “head and front of his offending.” Senator Pfeuffer held that the standard of education required of matriculants was so low, and the curriculum of the University such, the professors of worldwide reputations, who required four and five thousand dollars salary, were not necessary, and that professors fully qualified to hold those



chairs could be found for half the sum. Such a storm of indignation was raised in consequence of this advocacy—a tempest in a teapot—that the students, doubtless agitated by the professors, threatened to hang him in effigy, and did actually hold an indignation meeting. . . .

**Six Decades in Texas, By F. R. Lubbock, 1900, p. 622**

The bill providing for the establishment of the University of Texas was introduced by Senator John C. Buchanan of Wood, chairman of the committee on education, and, with some unimportant modifications, became a law. And I understand that Senator Buchanan's bill was in substance the bill prepared by Dr. Cooper and submitted to the Senator for consideration. The chief advocates of the measure in the Senate were Lieutenant-Governor Storey, John C. Buchanan, A. W. Terrell, R. M. Wynne, Jno. Y. Gooch, and J. B. Stubbs.

## **A BIBLIOGRAPHY OF ADDITIONAL MATERIAL RELATING TO THE HISTORY OF THE UNIVERSITY OF TEXAS**

### **I. LIST OF SERIAL PUBLICATIONS**

#### **A. OFFICIAL PUBLICATIONS**

##### **A 1. BULLETINS OF THE UNIVERSITY OF TEXAS**

For a nearly complete bibliographical list of these bulletins through 1914, see Bulletin 379, entitled "Publications of the University of Texas, 1882-1914, list of Bulletins with index and index to the University of Texas Record." 130 pages. December 25, 1914.

The bulletins published before April, 1901, described as Prenumbered Bulletins, are listed in time order and numbered [1] to [170]. The subsequent numbered bulletins are arranged according to postal numbers running from 1 to 379, 1901 to 1914.

The bulletins published in 1915, 1916, 1917, are numbered from 1501 to 1571, 1601 to 1672, 1701 to 1772, respectively. Each year one of these bulletins contains a bibliography of the bulletins of the previous year.

##### **A. REPORTS OF THE BOARD OF REGENTS**

These reports, mostly biennial, usually contain in increasing volume and detail from the beginning onward the following tables: (1) itemized receipts, (2) minutely itemized expenditures, (3) university lands sold and leased, (4) number of students by departments, classes, and sex, (5) number of degrees conferred, (6) home counties of Texas students, (7) residence of non-Texas students, (8) nativity of students, (9) modes of admission, (10) church affiliations and preferences of students, (11) occupations of parents, (12) self-supporting students, (13) list of affiliated schools, (14) more or less itemized list of amounts needed from the Legislature to maintain efficiency, (15) itemized list of needed additions to staff and equipment, (17) comparisons with other universities.

Discipline, the honor system, and student self-government are commented upon; the various student activities are outlined, especial reference being made to the health, religious life and behavior of the students. Boarding houses, athletics, and various other topics are touched upon. Usually a tax to support the University is urged.

The older reports contain many extracts from the Constitution and Laws, much historical matter, arguments in support of maintenance appropriations from the general revenue, pleas that the university

lands be controlled by the Regents, statements of debts due the University by the State. The later reports contain more systematic statistical exhibits and more remarks about services rendered.

[1]. *Result of Vote for Location; Proclamation Convening Board of Regents; Governor's Letter to Board of Regents; Reports of Comptroller, State Treasurer, and Commissioner of General Land Office, of Board of Regents; Report of the Proceedings of the University Board of Regents to the Governor.* 15 pages. 1882.

For Main University: Austin, 30,913 votes; Tyler, 18,974; Waco, 9,799; Thorp Springs, 3,217; Lampasas, 2,829; scattering, 930. For Medical Department: Galveston, 29,741; Houston, 2,586; scattering, 1,344; Exhibits the condition of the lands and of the permanent and available funds; lands sold 187,571 acres; unsold, 32,335 plus 1,000,000; land notes, \$155,000; Gives brief history of permanent fund and places the available fund balance at \$185,234.88; plans made for building West Wing for academic, 2 law and medical professors.

[2]. *Report of Board of Regents.* 12 pages, January 8, 1883.

Seven professors selected; payment of \$134,472.26 with interest requested; asks to be allowed to sell or lease 1,000,000 western acres; asks legislature to endow with money in lieu of land taken by Constitution of 1876, various laws quoted.

[5]. *Report of the Board of Regents.* 11 pp. January 1, 1884.

Delay occurs in furnishing building; Temporary Capitol occupied during Fall of 1883; proctor appointed; many needs listed; lands should be leased, not sold; second 1,000,000 acres should be located.

[13]. *Report of the Regents of the University to the Board of Education.* 10 pp. With appendix, viii pp.

Needs listed, including Library and Laboratory and Museum buildings; alumni in Faculty expected soon; Medical Department deferred; Lady Assistant appointed; students are poorly prepared; cost of board too high.

[15]. *Report of the Regents of the University to the Senate and House of Representatives.* 21 pp. December 18, 1884.

Separate Laboratory, Library and Museum needed; campus work brought into relief the strong grandeur of the building; Faculty increased; high schools greatly needed; students come from remote sections; graduate work begun in Philosophy; conduct of students better second year; new courses needed; lands should be controlled by regents.

- [39]. *Report of the Board of Regents of the University of Texas.* 70 pp. Containing also *Faculty Report, 1885-1886 and Supplement.* Dec. 1885.

Courses in Zoology, Botany, Physiology, and Astronomy much needed; State geologist recommended; abolition of Christmas holidays desired; courses particularly for women recommended; women take fewer courses than men; "conditioned" sub-freshman classes are necessary in mathematics, Greek and Latin; mess clubs endorsed; \$5000 wanted for Physics; affiliation system begun.

- [45]. *Third Biennial Report of the Regents of the University of Texas.* 53 pp. December 3, 1888.

Permanent endowment exhibited; adjustment urged of Grayson, McLennan, and San Elizario lands; "navigation" lands claimed; ask that lands be turned over to Regents; asks that land rentals be reduced and terms of leases lengthened; needs of University listed; site of Medical Department in Galveston discussed; urges that A. and M. be supported more from the general revenue, less from the University available fund; comparisons made with other State Universities; urges that old claims of University against State amounting with interest to \$431,188.87 be paid; appropriation from general revenue asked; loan of \$200,000 asked; many internal university statistics given; including itemized disbursements and statements from comptroller, treasurer, and land commissioner; Judge Gould's argument for constitutionality of appropriation from general revenue printed in full.

- [60]. *Fourth Biennial Report of the Regents of the University of Texas.* 56 pp. December 8, 1890.

Less money for A. & M. from University fund advised; Brackenridge Hall furnished; Medical Department inaugurated; Chemical laboratory urged; prohibition of appropriations from general revenue for buildings lamented; maintenance appropriation asked as absolutely necessary; needs of the University in comparison with other universities; Judge Gould's opinion again printed; Senator Maxey's supporting opinion printed; Medical Building architect's report printed.

- [72]. *Fifth Biennial Report of the Regents of the University of Texas.* 93 pp. December 23, 1892.

Usual statistics given, including religious preference of students and occupations of parents; observatory needed; women's building needed; botanical garden needed; appropriations from last Legislature listed; continued maintenance from general revenue urged; more professors and books needed; a marine biological station urged; special appropriations for chemistry and engineering asked; legislation requested to validate School of Pedagogy diplomas, to invest bonds, to endow with half the remaining public lands.



- [102]. *Sixth Biennial Report of the Regents of the University of Texas*. 74 pp. December, 1894.

Conditions and resources of the Main and Medical Departments exhibited; professors of astronomy, botany, and architecture needed; library, gymnasium, and women's building needed; more books and equipment for electrical engineering needed; appropriations, control of lands, and a one-tenth mill tax asked; legislation making the State Superintendent a regent and allowing a president asked; legislation asked regulating the practice of medicine, allowing unclaimed cadavers to be sent to the Medical Department, allowing scientific vivisection; appointment of a board of visitors requested; a 24 page land report of R. L. Batts including recommended changes in the land laws.

- [117]. *Seventh Biennial Report of the Regents of the University of Texas, containing Faculty Report, 1896-97*. 47 pp. February, 1897.

First president elected; wants gymnasium, library, cisterns, School of Pedagogy, dormitories, librarian, professor of hygiene, additional medical buildings; modified cadaver law; modified vivisection law.

- [129]. *Eighth Biennial Report of the Regents of the University of Texas*, 68 pp. February, 1899.

No special features.

- [152]. *Ninth Biennial Report of the Regents of the University of Texas*. 146 pp. December, 1900.

Special Texas work in History, Botany, and Zoology described; needs wider and more various vocational training; importance of training teachers and of the summer schools; effect of the Galveston storm on the Medical Department; animal husbandry discussed in relation to the Medical Department.

17. *Tenth Biennial Report of the Board of Regents*. 165 pp. October, 1902.

58. *Eleventh Biennial Report of the Board of Regents*. November, 1905, 248 pp. Official Series, April, 1905.

84. *Twelfth Biennial Report of the Board of Regents*, 199 pp. Official Series, 18. December 1, 1906.

114. *Thirteenth Biennial Report of the Board of Regents*, 1908, 174 pp. Official Series, 31. November 15, 1908.

258. (bis) *Fifteenth Biennial Report of the Board of Regents*, 1910-11, 1911-12. With appendix 206 pp. Official Series 80 (bis), December 8, 1912.

377. *Sixteenth Biennial Report of the Board of Regents*, 1912-14. Without appendix. 75 pp. Official Series 112. December 15, 1914.

- 1916: 22. *Appendix to the Sixteenth Biennial Report of the Board of Regents*, 1912-14. 207 pp. April 15, 1916.

1916: 60. *Seventeenth Biennial Report of the Board of Regents of the University of Texas*, 1914-16. 272 pp. October 25, 1916.

## B. FACULTY REPORTS.

Annual. 1883-84 to 1902-03; report for 1885-1886 is printed in the Report of the Regents for 1884-1886; report for 1886-87 is printed in the Sixth Biennial Report of the Superintendent of Public Instruction; report for 1902-1903 printed in abbreviated form in the University Record for August, 1903, pp. 172-194; the report for 1898-1899 is printed in full in the August, 1899, Record, pp. 256-315. Since 1902-03, the reports have not been printed.

These reports are devoted in large part to the detailed work, needs and progress of the whole University and of the various Departments, Schools, and other subdivisions of the University. The registration, courses, and work by subjects is often given in great detail; not so often the articles written by the members of the various staffs are listed. Statistics and information are also usually given relating to withdrawals, affiliated schools, deaths, health, athletics, admission requirements, changing of courses, growth in equipment, library, resignations, promotions, requirements for degrees, general work and conduct of the students, fees, fellowships held by Texas students at home and abroad, campus, boarding houses, public lectures, donations, etc.

Before 1895, these reports contain the Faculty budget, recommendations to the Regents, and frequent discussions of the endowment and income.

[14.] *Faculty Report, 1883-1884*, 16 pp. 1884.

[16.] *Annual Report of the Faculty and of the Finance Committee of the Board of Regents, 1884-1885*. 34 pp. 1885.

*Faculty Report, 1886-87*. In Sixth Biennial Report of the State Superintendent of Public Instruction, pp. 125-143.

[30.] *Report of the Board of Regents of the University of Texas, containing Faculty Report, 1885-1886 with supplement*. 70 pp. December, 1886.

[41.] *Faculty Report, 1887-1888*, 30 pp. 1888.

[49.] *Faculty Report, 1888-1889*, 27 pp. 1889.

[56.] *Faculty Report, 1889-1890*. 27 pp. 1890.

[67.] *Faculty Report, 1890-1891*. 32 pp. 1891.

[76.] *Faculty Report, 1891-1892*. 33 pp. 1892.

[84.] *Faculty Report, 1892-1893*. 6 pp. 1893.

[97.] *Faculty Report, 1893-1894*. 8 pp. 1894.

[106.] *Faculty Report, 1894-1895*. 24 pp. 1895.

[115.] *Faculty Report, 1895-1896*. 37 pp. 1896.

[117.] *Seventh Biennial Report of the Regents of the University of Texas, containing Faculty Report, 1896-1897*. 47 pp. Feb. 1897.

[127.] *Annual Report of the President and Faculty of the University of Texas, 1897-1898.* 67 pp. 1898.

[135.] *The University of Texas Record, Vol. 1, No. 3, containing Report of the President and Faculty, 1898-1899.*

[148.] *Annual Report of the President and Faculty, 1899-1900.* 101 pp. 1900.

6. *Annual Report of President and Faculties 1900-1901.* 97 pp. 1901.

14. *Annual Report of the President and Faculties, 1901-1902.* 105 pp. 1902.

[170]. *Annual Report of the President and Faculties.* University Record, August, 1903, pp. 172-194.

### C. CATALOGUES.

The Medical Department part of the Catalogue has been regularly, the Law and Engineering parts occasionally reprinted separately.

[4]. *Preliminary Announcement of the University of Texas at Austin, Texas. First Session, 1883-1884.* 24 pp. 1883.

[6]. *Catalogue for 1883-1884.* (Without Addresses), 35 pp. 1184.

[7]. *Catalogue for 1883-1884.* With appendix containing:

*Extract from the Constitution of 1876.*

*Proclamation Convening the University Board of Regents.*

*Governor's Letter to University Board of Regents upon its Assembling.*

*Report of Proceedings of University Board of Regents to the Governor.*

*Addresses on the Laying of the Corner Stone*, by Colonel Ashbel Smith, Governor O. M. Roberts, Attorney General J. H. McLeary.

*Addresses at the Inaugural Exercises*, by Colonel Ashbel Smith, Professor J. W. Mallett, Governor John Ireland. 83 pp.

[17]. *Catalogue for 1884-1885*, containing also *Legislative History.* 56 pages. 1885.

[18]. *Catalogue for 1884-1885.* 42 pp. With supplement, 9 pp. 1885.

[19]. *Supplement to Catalogue for 1884-1885.* 11 pp. June 18, 1885.

[20]. *Supplement to Catalogue of 1884-1885.* 12 pp. June 18, 1885.

[29]. *Catalogue for 1885-1886.* 91 pp. Containing also:

*Annual Report of the Finance Committee of the Board of Regents.*

*Address by Colonel Ashbel Smith on the Laying of the Corner Stone, 1886.*

- [31]. *Catalogue for 1886-1887*, containing also:  
     'Address by Colonel Ashbel Smith on the Laying of the Corner  
     Stone.  
     From the Eulogy on the Life and Character of Ashbel Smith,  
     by Dr. A. G. Clopton.  
     *Financial Resources of the University*, 117 pp. 1887.
- [38]. *Catalogue for 1887-1888*, containing also *Financial Resources*  
     *of the University*. 107 pp. 1888.
- [48]. *Catalogue for 1888-1889*. 119 pp. 1889.
- [55]. *Catalogue for 1889-1890*. 112 pp. 1890.
- [63]. *Catalogue for 1890-91*. 128 pp. 1891.
- [73]. *Catalogue for 1891-1892*. 169 pp. 1892.
- [80]. *Catalogue for 1892-1893*. 161 pp. 1893.
- [92]. *Catalogue for 1893-1894*. 220 pp. 1894.
- [103]. *Catalogue for 1894-1895*. 256 pp. 1895.
- [111]. *Catalogue for 1895-1896*. 264 pp. 1896.
- [118]. *Catalogue for 1896-1897*. 266 pp. 1897.
- [123]. *Catalogue for 1897-1898*. 287 pp. 1898.
- [132]. *Catalogue for 1898-1899*. 275 pp. 1899.
- [145]. *Catalogue for 1899-1900*. 313 pp. 1900.
- 3. *Catalogue of the University of Texas for 1900-1901*. 369 pp.  
     June 1, 1901.
- 12. *Catalogue of the University of Texas, for 1901-1902*, 342 pp.,  
     April 1, 1902.
- 20. *Catalogue of the University of Texas for 1902-1903*. 364 pp.  
     June 1, 1903.
- 31. *Catalogue of the University of Texas for 1903-1904*. 407 pp.  
     June 1, 1904.
- 54. *Catalogue of the University of Texas for 1904-1905*. 445 pp.  
     June 1, 1905.
- 73. *Catalogue of the University of Texas for 1905-1906*. 423 pp.  
     April 1, 1906.
- 88. *Catalogue of the University of Texas for 1906-1907*. 443 pp.  
     February 1, 1907.
- 103. *Catalogue of the University of Texas for 1907-1908*. 443 pp.  
     February 15, 1908.
- 117. *Catalogue of the University of Texas for 1908-1909*. 472 pp.  
     February 1, 1909.
- 140. *Catalogue of the University of Texas for 1909-1910*. 444 pp.  
     February 1, 1910.
- 172. *Catalogue of the University of Texas for 1910-1911*. 482 pp.  
     February 22, 1911.
- 218. *Catalogue of the University of Texas for 1911-1912*. 520 pp.  
     February 8, 1912.



266. *Catalogue of the University of Texas for 1912-1913.* 544 pp.  
February 8, 1913.
312. *Catalogue of the University of Texas for 1913-1914.* 595 pp.  
January 20, 1914.
- 1915: 5. *Catalogue of the University of Texas for 1914-1915.* 633 pp.  
January 20, 1915.
- 1916: 13. *Catalogue of the University of Texas for 1915-1916.* 497 pp.  
March 1, 1916.
1723. *Catalogue of the University of Texas for 1916-17,* pp. 547, April  
20, 1917.
1825. *Catalogue of the University of Texas and of the State School  
of Mines and Metallurgy, 1917-18.* 460 pp. May 1, 1918.

## D. SUMMER SCHOOL CATALOGUES.

- [109.] *University Summer School.* 1 p. January 28, 1896.
- [110.] *Summer School.* 4 pp. June, 1896.
- [122.] *University Summer School.*  
*State School of Methods.*  
*University Summer Normal.* 48 pp. Feb. 15, 1898.
- [131.] *University Summer School.*  
*State School of Methods.*  
*University Summer Normal.* 8 pp. May 1, 1899.
- [143.] *Third Annual Session of the University of Texas Summer  
School and the University Summer Normal.* 28 pp. 1900.
- [157.] *Fourth Annual Session of the University of Texas Summer  
School and the University Summer Normal.* 3 pp. 1901.
- [159.] *Fourth Annual Session of the University Summer Schools.* 31  
pp. June, 1901.
10. *Fifth Annual Session of the University Summer Schools.* Vol.  
1. 30 pp. 1902.
19. *Sixth Annual Session of the University Summer Schools.* 32  
pp. 1903.
29. *Seventh Annual Session of the University Summer Schools.*  
36 pp. April 1, 1904.
52. *Eighth Annual Session of the University Summer Schools.* 40  
pp. February 1, 1905.
71. *Ninth Annual Session of the University Summer Schools.* 62  
pp. March 1 1906.
86. *Tenth Annual Session of the University Summer Schools.* 66  
pp. January 1, 1907.
100. *Eleventh Annual Session of the University Summer Schools.*  
68 pp. January 1, 1908.
116. *Twelfth Annual Session of the University Summer Schools.*  
79 pp. January 15, 1909.

139. *Thirteenth Annual Session of the University Summer Schools.*  
85 pp. January 15, 1910.
168. *Fourteenth Annual Session of the University Summer Schools.*  
77 pp. January 22, 1911.
214. *Fifteenth Annual Session of the University Summer Schools.*  
95 pp. January 8, 1912.
268. *Sixteenth Annual Session of the University Summer Schools.*  
102 pp. February 22, 1913.
309. *Seventeenth Annual Session of the University Summer Schools.*  
111 pp. January 5, 1914.
- 1915: 14. *Nineteenth Annual Session of the University Summer  
Schools.* 95 pp. February 5, 1915.
- 1916: 14. *Nineteenth Annual Session of the University Summer  
Schools.* 103 pp. March 5, 1916.
1714. *Twentieth Annual Session of the University Summer Schools.*  
86 pp. March 5, 1917.
1808. *Twenty-first Annual Session of the University Summer School.*  
93 pp. February 5, 1918.
- 1806 is a brief preliminary announcement of the *Twenty-first Session.*

#### E. THE UNIVERSITY OF TEXAS RECORD.

- [128.] Vol. 1, No. 1. 1-80 pp. December, 1898.
- [130.] Vol. 1, No. 2. 81-190 pp. April, 1899.
- [135.] Vol. 1, No. 3. 191-315 pp. Containing Report of the President  
and Faculty for 1898-1899. 256-315 pp. August, 1899.
- [136.] Vol. 1, No. 4. 316-399 pp. October, 1899.
- [139.] Vol. 2, No. 1. 1-100 pp. January, 1900.
- [149.] Vol. 2, No. 2. 101-209 pp. June, 1900.
- [150.] Vol. 2, No. 3. 210-325 pp. August, 1900.
- [153.] Vol. 2, No. 4. 326-452 pp. December, 1900.
- [156.] Vol. 3, No. 1. 1-96 pp. March, 1901.
- [158.] Vol. 3, No. 2. 97-192 pp. June, 1901.
- [162.] Vol. 3, No. 3. 193-305 pp. September, 1901.
- [163.] Vol. 3, No. 4. 306-498 pp. December, 1901.
- [165.] Vol. 4, Nos. 1 and 2. 1-200 pp. May, 1902. Historical Cat-  
alogue of Alumni, 1884-1901.
- [166.] Vol. 4, No. 3. 201-414 pp. July, 1902.
- [167.] Vol. 4, No. 415-519 pp. December, 1902.
- [168.] Vol. 5, No. 1. 1-118 pp. April, 1903.
- [170.] Vol. 5, No. 2. 119-211 pp. August, 1903.
25. Vol. 5, No. 3. 213-311 pp. March, 1904.
42. Vol. 5, No. 4. 311-387 pp. July, 1904.
53. Vol. 6, No. 1. 1-82 pp. February, 1905.
67. Vol. 6, No. 2. 83-184 pp. August, 1905.
70. Vol. 6, No. 3. 185-262 pp. February, 1906.

- 77. Vol. 6, No. 4. 263-331 pp. June 1, 1906.
  - 78. Vol. 7, No. 1. 1-102 pp. June 15, 1906.
  - 80. Vol. 7, No. 2. 103-172 pp. October 1, 1906.
  - 91. Vol. 7, No. 3. 173-257 pp. March 15, 1907.
  - 94. Vol. 7, No. 4. 258-348 pp. August 1, 1907.
  - 101. Vol. 8, No. 1. 1-84 pp. January 15, 1908.
  - 107. Vol. 8, No. 2. 85-175 pp. June 1, 1908.
  - 108. Vol. 8, No. 3. 176-239 pp. September 1, 1908.
  - 113. Vol. 8, No. 4. 240-366 pp. December 1, 1908.
  - 115. Vol. 9, No. 1. 120 pp. January 1, 1909.
  - 125. Vol. 9, No. 2. 121-206 pp. June 1, 1909.
  - 126. Vol. 9, No. 3. 207-292 pp. July 1, 1909.
  - 138. Vol. 9, No. 4. 293-391 pp. January 1, 1910.
  - 145. Vol. 10, No. 1. 1-73 pp. April 15, 1910.
  - 151. Vol. 10, No. 2. 74-176 pp. July 15, 1910.
  - 166. Vol. 10, No. 3. 177-260 pp. January 8, 1911.
  - 180. Vol. 10, No. 4. 262-393 pp. April 22, 1911.
  - 190. Vol. 11, No. 1. 1-160 pp. July 8, 1911.
  - 216. Vol. 11, No. 2. 161-269 pp. January 22, 1912.
  - 230. Vol. 11, No. 3. 260-356 pp. May 8, 1912.
  - 238. Vol. 11, No. 4. 357-490 pp. July 8, 1912.
  - 271. Vol. 11, No. 5. 491-581 pp. March 15, 1913.
- Succeeded by *The Alcalde*, an alumni publication.

#### F. MISCELLANEOUS BULLETINS.

Only Bulletins that contain material throwing light on the history of the University are listed.

- [8]. *The University*. By A. W. Terrell, 24 pp. June 14, 1884.  
Tells of the College men in early Texan affairs; gives a history of the University from 1839; reviews the history and influence of universities; also of education in general.
- [28]. *An Eulogy on the Life and Character of Dr. Ashbel Smith*.  
By A. G. Clopton. 15 pp. June 15, 1886.
- [35]. *Correspondence with Governor Ross*, concerning Faculty Report of 1886-1887. 5 pp. Nov. 8, 1887.  
Additional professors, a special land agent and more prompt collections of interest on land notes urged; suit should be entered for the McLennan County lands.
- [37]. *Correspondence concerning the Claims of the University upon the State of Texas*. 19 pp. March 28, 1888.  
Asks restoration (a) of money spent on Prairie View Normal, \$14,495.73 plus \$8214.26 interest; (b) of unrestored transfers to revenue of \$11,289.02 plus \$24,540.48 interest; (c) of \$12,230.39 in 10 per cent warrants plus \$28,028 interest; (d)

of amount transferred by Comptroller, May, 1863, \$40,000 plus \$78,880.98 interest; (e) of amount turned over to confederate depository \$74,804.48 plus \$138,687.53 interest. Total, \$431,188.85.

- [47]. *The University of Texas*. Commencement address, by S. B. Maxey. 18 pp. June 19, 1889.

Gives a brief account of the history of the University; of the educational needs of the age; and argues for the constitutionality of legislative appropriations.

*Rules and Regulations for the Conduct of Business by Board of Regents*. Adopted August 25, 1891. Not a prenumbered bulletin. 28 pp. 6 in. by 4.

- [68]. *An Appeal to the Twenty-Second Legislature*. 8 pp. 1891.  
\$260,000 needed for the University; \$128,600 for A. and M.; details are given.

87. *Regulations for the Government of the University of Texas*. 45 pp. Jan. 15, 1907.

Drawn by the Regents; destined doubtless to evolve into a constitution.

128. *Announcements Relating to the Work of the Department of Extension*. 39 pp. Aug. 1, 1909.

129. *Religious Activities at the University of Texas*. 53 pp. August 15, 1909.

196. *The Experiences of Self-Supporting Students in the University of Texas*. 55 pp. Aug. 22, 1911.

Contains many letters from former students.

227. *Alumni Catalogue, 1884-1911, with Supplement*. 208 pp, supplement. 13 pp. April 15, 1912.

270. *By-Laws of the Board of Regents, and Rules and Regulations for the Government of the University of Texas*. Adopted Nov. 11, 1912. 42 pp. March 8, 1913.

Revised edition of 87 pp.

294. *Notes on Publications by the Faculty* (April 1, 1912—April 1, 1913.) 47 pp. Sept. 8, 1913.

368. *Notes on Publications by the Faculty* (April 1, 1913—April 1, 1914.) 9 pp. Nov. 1, 1914.

- 1915: 30. *A Constitutional Tax for the Support of Higher Education Institutions in Texas. Bibliography and Selected Arguments*. Edited by E. D. Shurter. 47 pp. May 25, 1915.

- 1915: 58. *Notes on Publications by the Faculty*. (April 1, 1914—January 1, 1915). 39 pp. Oct. 15, 1915.

- 1916: 18. *Bulletins of the University of Texas for 1915*. 13 pp. March 25, 1916.

- 1916: 33. *The University of Texas*. (For new students.) 46 pp. June 10, 1916.



- 1916: 37. *A Financial History of Texas*. By Edmund Thornton Muller. 444 pp. July 1, 1916.
- 1916: 50. *Religious Life at the University of Texas*. 47 pp. Sept. 5, 1916.
- 1916: 59. *Investigation by the Board of Regents of the University of Texas Concerning the Conduct of Certain Members of the Faculty*. 172 pp. October 20, 1916.
1737. *A Brief History of the Regulation of Fraternities at the University*. 52 pp.
1801. *Notes on Publications by the Faculty 1915-17*. 86 pp. January 1, 1918.
1812. *Some interesting Facts and Figures from the Records*. 76 pp. February 25, 1918.

#### G. PRESS OR NEWS BULLETINS.

Published more or less regularly for use by the newspapers of Texas. Consist of slips printed on one side only.

No. 1. Whole No. [137], November 1, 1899, to No. 53, Whole No. [352], August 10, 1914.

For complete list see Bulletin 379, 1914.

Succeeded by Educational Notes.

### A. II. OTHER SERIALS

#### A. EDUCATIONAL NOTES

Succeeded the Press or News Bulletins.

Published weekly as a single sheet, printed on one side only for use of newspapers of Texas.

Vol. 1, November 11, 1914 to June 17, 1915, 31 issues.

Vol. 2, July 25, 1915 to July 9, 1916, 32 issues.

Vol. 3, September, 1916 to July, 1917. 32 issues.

Succeeded by Weekly News Letter.

#### AA. WEEKLY NEWS LETTER

Successor to Educational Notes.

Vol. 4. October 8, 1917 to July 8, 1918. 39 issues.

#### B. THE INTERSCHOLASTIC LEAGUER

Vol. 1. October 15, 1917 to May 15, 1918. 8 issues.

C. THE TEXAS JOURNALIST

Official paper of the School of Journalism.

Vol. 1, October, 1914, to May, 1915, 13 issues.

Vol. 2, October, 1915, to December 15, 1915, 5 issues.

Changed to a monthly of quarto size with a cover.

Vol. 2, February to May, 1916. No's. 5 to 8.

Vol. 3, November, 1916, to May, 1917, 7 issues.

Vol. 4, November, 1917, to February, 1918. 4 issues.

D. THE UNIVERSITY REPORTER

Published weekly as laboratory work by the students of the School of Journalism. (Vol. 1 only).

Vol. 1, January to May, 1916, 19 issues.

E. THE TEXAS REVIEW

A quarterly literary magazine published by the University containing both poetry and prose, together with historical and critical essays.

Vol. 1, 1915-1916. 359 pp. Stark Young, Editor.

Vol. 2, 1916-1917. 375 pp. Robert Adger Law, Editor.

Vol. 3, 1917-1918. Robert Adger Law, Editor.

**B. ALUMNI PUBLICATIONS****A. HOGG ORGANIZATION**

[Official name: Organization for the Enlargement by the State of Texas of Its Institutions of Higher Education.]

.. Plan of Organization proposed by Resolutions of the Alumni Association of the University of Texas, adopted June 12, 1911. Austin, July 30, 1911. 4 pp.

.. An Organization Looking to the Enlargement and Extension by the State of the University Plan of Higher Education in Texas. Houston, Rein and Sons, [1911]. 13pp.

.. To the Members of the Texas State Teachers' Association. Austin, 1911. 3pp.

.. Announcement.—Constitution and By-Laws.—List of Subscribers. Austin, November 1, 1911. 14pp.

.. Announcement of Origin and Program of Work. Austin, Office of Executive Secretary. February 10, 1912. 8p.

Mezes, Sidney Edward. The Hogg Organization.

Austin, Office of Executive Secretary, February 10, 1912. 8pp.

Lefevre, Arthur. A study of the Financial Basis of the State Universities and Agricultural Colleges in Fourteen States. Austin, March 28, 1912. 12pp.

Fay, Edwin Whitfield. Culture in Education. Austin, Office of Executive Secretary, April 1, 1912. 16pp.

Ellis, Alexander Caswell. The Relation of Higher Education to the Economic Development of the State, and the Financial Value of Common Schools to the State. Austin [Office of Executive Secretary, April 1, 1912]. 32pp.

Horn, P. W. The Cultural Value of Education. [Austin, Office of Executive Secretary, April 1, 1912]. 15pp.

Educational campaign Committee. The State Institutions of Higher Education in Texas, Their Past Services, Future Possibilities, and Present Financial Condition. [Office of Executive Secretary], May 1, 1912. 44pp.

.. How Texas Ranks in Higher Education. Comparative Statistics and Diagrams, With Respect to the University of Texas, the Agricultural and Mechanical College, and the College of Industrial Arts, With Similar Institutions in Thirteen Selected States, Statistics of the State Normal Schools Not Being Available. Austin, Office of Executive Secretary, July 1, 1912. 4 pp.

.. How Texas Ranks in Higher Education . . . . Austin, Office of Executive Secretary, August 1, 1912. (Statistical wall map).

- .. Five \$200 first prizes and five \$50 second prizes for the best essays on subjects and under regulations as follows . . . . 1912. 4pp.
- .. Annual report. Financial statement of the executive secretary for the fiscal year beginning November 1, 1911, and ending October 31, 1912. Austin, Office of Executive Secretary, December 5, 1912. 27pp.
- .. Second annual report. Financial statement of the executive secretary for the fiscal year beginning November 1, 1912, and ending October 31, 1913. Austin, Office of Executive Secretary, November 1, 1913. 20pp.
- Lefevre, Arthur. *The Organization and Administration of a State's Institutions of Higher Education: A Study Having Special Reference to the State of Texas.* Austin, Von Boeckmann-Jones. 58pp. (Advance sheets of Part I.)
- Lefevre, Arthur. *The Organization and Administration of a State's Institutions of Higher Education.* Austin, Von Boeckmann-Jones, 1914. iv, 524pp.
- Mezes, Sidney Edward. *The Future of the University of Texas: Its Duties, Opportunities, Prospects: A Final Message to the Board of Regents.* Austin, December 16, 1914. 20pp.
- A Statement From the Executive Secretary. Austin, Office of Executive Secretary, April 15, 1915. 8pp.
- .. Annual Report. Financial Statement of the Executive Secretary, from August, 1914, to June, 1916. Austin, Office of Executive Secretary, June 30, 1916. 23pp.

This is the Fourth Annual Report. The Third seems not to have been printed.

B. THE ALCALDE

Published by the Ex-Students' Association. The regular departments are entitled: Texas Exes, Getting Along, Who's Who at Texas, The Co-Ed Her Page, News of the Faculty, Student Life, or Shacks and Buzzards, Athletics, Peregrinusings, University Yarns, Editorials. Articles dealing with the history of the University appear frequently, together with articles, stories, and poems of a general character, but written by ex-students or members of the Faculty.

Vol. 1, 1913 4 issues, 424 pages, Fritz Lanham, editor.

Vol. 2, 1913-14, 8 issues, 1034 pages, Fritz Lanham, editor.

Vol. 3, 1914-15, 8 issues, 879 pages, Fritz Lanham, editor.

Vol. 4, 1915-16, 8 issues, 838 pages, Fritz Lanham, editor.

Vol. 5, 1916-17 8 issues, 826 pages, Ben Dyer, editor.

Vol. 6, 1917-18, — issues, — pages, Ben Dyer, editor.



**C. STUDENT PUBLICATIONS****A. THE UNIVERSITY OF TEXAS MAGAZINE**

Devoted chiefly to literary topics, with occasional articles and editorials dealing with current University affairs. First published by the Athenaeum and Rusk Literary societies, later by the Student Association. Title varies, *The University of Texas Literary Magazine*. *The Texas University*; *The Longhorn Magazine*.

- Vol. 1, 1885-1886, R. L. Batts and H. H. Lennox, Editors-in-chief.
- Vol. 2, 1886-1887, L. M. Dabney and W. H. Wilson, Editors-in-chief.
- Vol. 3, 1887-1888, E. B. Parker and R. U. Culberson, Editors-in-chief.
- Vol. 4, 1888-1889, C. Frenkel and M. D. Smith, Editors-in-chief.
- Vol. 5, 1889-1890, John L. Henry and L. T. Dashiell, Editors-in-chief.
- Vol. 6, 1890-1891, C. F. Thomas and L. A. Smith, Editors-in-chief.
- Vol. 7, 1891-1892, H. R. R. Hertzberg and D. A. Penick, Eds.-in-chief.
- Vol. 8, 1892-1893, L. G. Bugbee, Editor-in-chief.
- Vol. 9, 1893-1894, W. J. Crawford, Editor-in-chief.
- Vol. 10, 1894-1895, M. Lee Simmons, Editor-in-chief.
- Vol. 11, 1895-1896, R. S. Baker, Editor-in-chief.
- Vol. 12, 1896-1897, J. A. Lomax, Editor-in-chief.
- Vol. 13, 1897-1898, Howard Parker, Editor-in-chief.
- Vol. 14, 1898-1899, W. M. Pierson, Editor-in-chief.
- Vol. 15, 1899-1900, Jessica M. Clark, Editor-in-chief.
- Vol. 16, 1900-1901, Wilbur P. Allen, Editor-in-chief.
- Vol. 17, 1901-1902, J. Barry Benefield, Editor-in-chief.
- Vol. 18, 1902-1903, S. Royal Ashby, Editor-in-chief.
- Vol. 19, 1903-1904, Helen Raley, Editor-in-chief.
- Vol. 20, 1904-1905, Joel F. Watson, Editor-in-chief.
- Vol. 21, 1905-1906, May Mason Jarvis, Editor-in-chief.
- Vol. 22, 1906-1907, Louise L. Temple, Editor-in-chief.
- Vol. 23, 1907-1908, Norma Egg, Editor-in-chief.
- Vol. 24, 1908-1909, Ethel Sykes, Editor-in-chief.
- Vol. 25, 1909-1910, Frank Fueille, Jr., Editor-in-chief.
- Vol. 26, 1910-1911, Robert E. Capers, Editor-in-chief.
- Vol. 27, 1911-1912, A. M. Felts, Editor-in-chief.
- Vol. 28, 1912-1913, Wm. M. Tanner, Editor-in-chief.
- Vol. 29, 1913-1914, L. R. Garrison, Editor-in-chief.
- Vol. 30, 1914-1915, Frank Loftus, Editor-in-chief.
- Vol. 31, 1915-1916, F. P. Hibbard, Editor-in-chief.
- Vol. 32, 1916-1917, Henry Bercowich, Magazine Editor; Jack Hyman, Magazine Editor.
- Vol. 33, 1917-1918, Mrs. Dora Neill Raymond, Editor.

Beginning with Vol. 32, the Magazine was combined with the Longhorn, changed from octavo to quarto, and called the Longhorn Magazine. The comic features of the Longhorn were dropped in Vol. 33, the Magazine resuming its former purely literary character but not its former name.

Vol. 32, No. 9, contained only the Longhorn humorous part and was followed by a "Statewide Commencement Edition" of the "Magazine."

# B. CACTUS

This copiously illustrated student annual was first published by the Fraternities, later by the Athletic Council, finally by the Student Association.

Volume	Year	Editor	Dedicated to
1	1894	Dabney White	
2	1895	W. O. Stephens	
3	1896	R. S. Baker	
4	1897	H. S. Brown	Phil Hatzfeld
5	1898	E. W. Townes	G. W. Brackenridge
6	1899	J. H. Hart	Sir Swante Palm
7	1900	B. H. McFarland	R. S. Gould
8	1901	D. K. Woodward	John Sealy
9	1902	F. T. West	Mrs. H. M. Kirby
10	1903	Roy Bedichek	J. B. Clark
11	1904	H. P. Steger	J. C. Townes
12	1905	Alex Deussen	Leslie Waggener
13	1906	W. F. Buckley	W. L. Prather
14	1907	Robert Haynie	D. F. Houston
15	1908	Ireland Graves	T. S. Henderson
16	1909	W. D. Smith	S. E. Mezes
17	1910	E. A. Harris	L. M. Keasbey
18	1911	Will C. Thompson	F. W. Simonds
19	1912	R. T. Fleming	H. Y. Benedict
20	1913	Tom S. Henderson, Jr.	T. U. Taylor
21	1914	George T. Lee	A. S. Burleson
22	1915	Dave R. Williams	T. W. Gregory
23	1916	Pendleton Howard	W. J. Battle
24	1917	Gillis Johnson	R. E. Vinson
25	1918	Julian Elfenbein	State of Texas

# C. THE TEXAS WEEKLY

Vol. 1, Dec. 1, 1884, to ----, — issues. G. B. Willett, Editor. 8p. quarto.

Four or five issues are thought to have appeared. Only one issue seen.

## D. THE NORTHER

No copy seen. Evidence for its existence is based on the following:

The Texas University extends to the *Norther* a cordial welcome. As the *Norther* says, there is not, nor can there be any conflict between us—the provinces of the two papers being entirely different. The only difficulty is one of finance, and there is no reason why this should present itself, if the students will act liberally. The Texas Magazine, Vol. II, No. 8, April 1887, p. 277.

## E. THE ALCALDE

A weekly journal for the University of Texas, privately managed.  
Vol. 1. December, 1895, to July, 1896: 24 issues, L. E. Hill and Charles D. Oldright, Editors.

Vol. 2. October, 1896, to June, 1897: 35 issues, L. E. Hill, Editor.

Vol. 3. 1897: 5 issues, L. E. Hill, editor, succeeded by S. E. Goree.

After these issues, the *Alcalde* became a State weekly and was succeeded as a University publication by the *Ranger*, which carried forward the volume and numbering of the *Alcalde*.

## F. THE RANGER

Vol. 3. November, 1897, to June, 1898: issues 6 to 38, J. C. Palm, Editor.

Vol. 4. October, 1898, to June, 1899: 35 issues, E. R. Kleberg, Editor.

Vol. 5. October, 1899, to June, 1900: 33 issues, Wilbur P. Allen, Editor.

## G. THE CALENDAR

A weekly journal for the University of Texas, privately managed.

Vol. 1. March to June, 1889: 25 issues, R. W. Wortham, Editor.

Vol. 2. 1899-1900, 54 issues, L. L. Featherstone, Editor.

## H. THE TEXAN

A college paper, the first four volumes of which were published as a private enterprise. From volume 5 onward, *The Texan* has been published by the Student Association.

Vol.	Session	Issued	Editors
1	1900-01	Weekly	Fritz G. Lanham and F. T. West
2	1901-02	Weekly	Ben H. Powell and H. M. Whaling
3	1902-03	Weekly	Alex Deussen
4	1903-04	Weekly	A. F. West and Alex Pope

5	1904-05	Weekly	Clinton Brown and D. A. Frank
6	1905-06	Weekly	J. C. Townes, Jr.
7	1906-07	Weekly	Luther Nichols and J. F. Watson
8	1907-08	Semi-Weekly	E. L. Harris
9	1908-09	Semi-Weekly	W. A. Philpott
10	1909-10	Semi-Weekly	Mark McGee
11	1910-11	Semi-Weekly	Geo. A. Hill
12	1911-12	Semi-Weekly	Marion Levy
13	1912-13	Semi-Weekly	George Wythe
14	1913-14	Daily	Ralph B. Feagin
15	1914-15	Daily	Lynn Landrum, Stuart McGregor, and Fred Cotton
16	1915-16	Daily	Dan Williams
17	1916-17	Daily	Roy Hawk
18	1917-18	Daily	Silas Ragdale, F. Edward Walker

#### I. THE PERIPATOS

Commencement publication for the University of Texas, privately managed.

Vol. 1, 1906-07, 2 issues. I Peripitate, Editor.

Vol. 2, 1907-08 2 issues. I Peripitate, Editor.

Vol. 3, 1908-09, 2 issues. I Peripitate, Editor.

Vol. 4, 1910, 2 issues, I Peripitate, Editor.

Name changed to

#### J. THE PERIPATOS COYOTE

Vol. 5, 1911, 2 issues.

#### K. THE COYOTE

A comic monthly published as a private student enterprise.

Vol. 1. 1908-09, 8 issues, W. A. Philpott, Editor.

Vol. 2. 1909-10, 8 issues, T. S. Henderson, Editor.

Vol. 3. 1910-11, 8 issues, Rex B. Shaw, Editor.

Vol. 4. 1911-12, 9 issues, Rex B. Shaw, Editor.

Vol. 5. 1912-13, 6 issues, Howard Claiborne followed by John W. Thomason and C. R. Holland, Editors.

Vol. 6. 1913-14, 9 issues, C. R. Holland, Editor.

Vol. 7. 1914-15, 9 issues, George Lee followed by C. R. Holland, Editors. Succeeded by the Longhorn.

#### L. LONGHORN

A comic monthly published as a private student enterprise.

Vol. 1. 1915-16, 10 issues, Rex B. Shaw, editor.



Name changed to the *Longhorn Magazine* and combined with the *Magazine*. The *Longhorn Magazine* carried a *Longhorn* section and a *Magazine* section for one year, dropping the *Longhorn* section in 1917, with Vol. 33.

## M. THE BLUNDERBUSS

Issued April 1, annually, a four-page unmailable yellow sheet secretly published.

Vol. 1, No. 1, 1914.

Vol. 2, No. 1, 1915

Vol. 3, No. 1, 1916.

Vol. 4, No. 1, 1917.

Vol. 5, No. 1, 1918. (Supplemented April 2, 1918 by "The Blunderbustle.")

## N. THE CAMPUS RECORD

Summer School and Summer Normal Paper.

Vol. 1, July, 1910.

Only one issue seen.

## O. THE UNIVERSITY OF TEXAS COMMONER

Issued occasionally. Anti-frat sheet.

Vol. 1, No. 1, Editor-in-Chief, Attila, the Hun; Assistant Editor-in-Chief, Alaric, the Goth; Business Manager, Genseric, the Vandal. Not dated.

Vol. 1, No. 2, April 4, 1913.

Vol. 1, No. 4, May [1913].

Vol. 2. No numbers seen.

Name changed. Numbering continued.

## P. THE COMMONER

Vol. 3. No. 1, April 30, 1916.

Vol. 3. No. 2, May 7, 1916.

Vol. 3. No. 3, May 3, 1916. C. Lohman, editor.

Vol. 3. No. 3, May 15, 1916.

## II. LIST OF BOOKS AND PAMPHLETS

Benedict, Harry Yandell

Phi Beta Kappa, Alpha of Texas. Published by the chapter. 1913.  
42pp.

Broun, Thomas L.

Dr. William LeRoy Broun. N. Y., Neale Pub. Co., 1912, 247 pp.  
Reviewed by H. Y. B. (in Quarterly Texas State Historical  
Association, v. 17, p. 93).

Brown, John Henry

History of Texas. 1893. Pp. 507-508.

Burke's Texas Almanac and Immigrant's Handbook for 1882.

The location of the State University. P. 164.

Official declaration of the result of the election for the University.  
Pp. 133-134.

Organization and endowment of University described.

Burke's Texas Almanac and Immigrant's Handbook For 1883.

State University. Regents. Pp. 47-48.

Describes the endowment and probable income and reports the  
election of Dr. W. T. Harris and Judge T. M. Cooley to pro-  
fessorships.

Burleson, Mrs. Georgia J.

Life and Writings of Rufus C. Burleson. 1901. Pp. 396-398.

Butte, George Charles

Academic Freedom, or "In the Spirit of 1836." March 2, 1917.  
8pp.

Daniel, Lewis E.

Personnel of the Texas State Government, 1887. Browning, J.  
N., pp. 112-113; Cooper, O. H., pp. 29-36; Garwood, H. M., pp.  
129-130; Hogg, J. S., pp. 24-26; Lanham, S. W. T., pp. 58-59;  
McGaughey, W. L., pp. 151-152; Ross, L. S., pp. 5-15; Sayers,  
J. D., pp. 60-61; Simpkins, E. J., pp. 84-85.

Personnel of Texas State Government, 1889. Bryan, Guy M., p.  
225; Cooper, O. H., pp. 93-95; Hogg, J. S., pp. 84-91; Lanham, S.  
W. T., p. 143; McGaughey, W. L., p. 361; Ross, L. S., pp. 7-17;  
Sayers, J. D., p. 141; Simkins, E. J., p. 183.

Personnel of Texas State Government, 1892. Batts, R. L., pp.  
611-612; Browning, J. N., pp. 289-290; Bryan, Guy M., pp. 539-  
545; Everhart, E., p. 160; Garwood, H. M., pp. 196-198; Hogg,  
J. S., pp. 71-80; Ireland, John, pp. 53-56; Lamar, M. B., pp. 26-  
28; Lanham, S. W. T., p. 182; McGaughey, W. L., pp. 110-111;  
Simkins, E. J., pp. 213-215; Tarlton, B. D., p. 97; Waggener, L.,  
pp. 158-159.

Types of Successful Men of Texas, 180. Cooper, O. H., pp. 593-  
595; Garwood, H. M. pp. 76-77; Ireland, John, pp. 439-441; Lane,  
J. J., pp. 401-402; Littlefield, G. W., pp. 345-352; Paine, J. F. Y.,

- pp. 215-217; Pfeuffer, George, pp. 573-589; Sayers, J. D., pp. 523-526; Simkins, E. J., pp. 451-453; Wooten, T. D., pp. 555-559.
- Echoes of the Barb-Frat Fight at the University of Texas. Barbarian Facts vs. Fraternity Theories. 1913. 75pp.
- Garrison, George Pierce  
University of Texas: appropriation for, by Act of 1839 and provision for, by Act of 1858, p. 278; its opening and growth, pp. 310-311.
- Goodspeed Brothers, Publishers.  
Record of Southwest Texas, 1894.  
A trivial paragraph on p. 49; M. B. Lamar, p. 633.
- Handley, Marks White  
Claudella. A story of the University of Texas. Austin, Published by The Newman Club, 1913. 150pp.
- Harwood, Thomas Moore  
Memorial pamphlet. Galveston, 1900. 42pp.
- Hertzberg, Hans Regenald Rudolph.  
Lawyers and Laurels. A would-be epic and didactic history of the Junior law class of 1890-91. Austin, 1891. 11pp.
- Hogg, William Clifford  
An Interview: 'A Record and Some Queries. July 19, 1917, 4 pp.  
Ferguson's War on the University of Texas. A chronological outline. January 12, 1915 to July 31, 1917, inclusive. Published by the Ex-Students' Association, 1917, 48 pp.  
His Own Words to Discover His Motives: The Ferguson Idea of University Control. August 1, 1917, 27 pp.  
Record of Investigation by Committee from House of Representatives, Thirty-fifth Legislature, The State of Texas, of Charges filed against Gov. Jas. E. Ferguson. August, 1917. 548, v., pp.  
Contains University references only in the Dedication; mostly a copy of the stenographic record of the Committee, not published in the House Journal.
- Howerton, W. V.  
Facts on Ferguson. A Review of the Impeachment and a Reply to Charges made by Ex-Governor Ferguson. viii, 96pp. Austin, July, 1918. Pages 54-72 are devoted to the University.
- Johnson, Alvin S.  
The Professor and the Petticoat. N. Y., Dodd, Mead & Co., 1914.  
A novel whose scenes and characters are disguised caricatures of University originals.
- Johnson, Frank W.  
Texas and Texans. Edited and brought down to date by Eugene C. Barker with the assistance of Ernest William Winkler. 1914. 5v.  
University of Texas, p. 586, a mere reference.

Ball, T. H., p. 1626; Batts, R. L., p. 1605; Barker, E. C. p. 2672; Brackenridge, G. W., p. 691; Brown, J. H., p. 524; Bryan, Beau-  
regard, p. 1303; Bryan, Guy, p. 532, 1176; Cain, B. B., p. 1577;  
Gary, Hampson, p. 1075; Henderson, T. S., p. 1664; Hogg, J. S.,  
p. 603-609; Kemp, J. A., p. 1964; Kleberg, M. E., p. 1629; Lane,  
Alvin V., p. 1136; McGaughey, W. F., p. 1842; Mathis, John M.,  
p. 1997; Pfeuffer, George, p. 1439; Roberts, O. M., p. 534, 555,  
581, 598; Shepard, Seth, p. 1064; Terrell, A. W., p. 592, 600, 1063;  
Todd, G. T., p. 2597; Townes, John C., p. 1297; Waggener, Leslie,  
p. 1825; Wooten, T. D., p. 1602.

Kennedy, William

Texas, 1891. A reference to the original 50 leagues in v. 2:392.

Lane, John J.

History of the University of Texas. Austin, 1891. 322p.

Lane, John J.

History of Education in Texas. Washington, 1903. Pp. 123-259,  
311-326. 334pp.

Lefevre, Arthur

Organization and Administration of a State's Institutions of  
Higher Education. See Hogg Organization.

Lomax, John Avery.

The Book of Texas, N. Y., Doubleday, Page and Co., 1916. 448pp.,  
pp. 362-365; 379, 380-322.

Lynch, James Daniel

The Bench and Bar of Texas. 1885. Devine, T. J., pp. 302-305;  
Gould, R. S., pp. 312-314; Ireland, John, pp. 306-311; Roberts,  
O. M., pp. 272-284; Terrell, A. W., pp. 500-512.

Maxwell, W. J.

General register of the students and former students of the  
University of Texas. N. Y., Polk and Co., 1917. 596p.

Mezes, Sidney Edward

The Future of the University of Texas; Its Duties, Opportunities,  
Prospects.

A final message to the Board of Regents, Dec. 16, 1914. See Hogg  
Organization.

The Special Tax for the University of Texas. 1911. 9pp.

A Statement Concerning the University. Austin, January, 1911.

Miller, Edmund Thornton

A Financial History of Texas.

See Miscellaneous Bulletins, 1916: 37.

Moreland, Sinclair

Texas Women's Hall of Fame. 1917.

Mrs. Helen M. Kirby, pp. 207-209.

Norton, Anthony Banning



- Remarks of A. B. Norton in the Texas House of Representatives  
Upon the University Question and Bill for the Relief of Set-  
tlers on the Mississippi and Pacific Reserve. Nov. 24, 1858.  
Austin, 1858. 17pp. Pamphlet.
- Pennybacker, Mrs. Anna J. Hardwicke  
A New History of Texas. 1908.  
Four or five brief references to the Main University and Medical  
Department.
- Raines, Cadwell Walton  
Year Book of Texas. V. 1, 1901.  
Garrison, G. P. What the University of Texas Is Doing for Texas  
History. pp. 411-413.  
Hume, F. Charles (elected first president of the University but  
declined). pp. 172-176.  
Lomax, J. A. The University of Texas. pp. 408-411.  
Taylor, Bride Neill. Art [in Texas]. p. 19.  
Wyche, Benjamin. The University of Texas Library. pp. 413-  
414.  
Year Book of Texas. V. 2, 1902.  
University of Texas, p. 303-304.
- Regents, Board of  
Urging the adoption of amendment to Sections 49 and 52 of  
Article 3 of the State Constitution, in the election to be held  
Saturday, July 19, 1913. 5pp. April, 1913.  
The University of Texas and the War.  
To the People of Texas. 4pp. July, 1918.
- Smith, Ashbel  
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### STATISTICAL TABLES

The figures given in the following tables are the latest available, those for the Eighteenth Biennial Report of the Board of Regents not having been completely compiled at the time that this Source Book went to press. In certain cases, the figures that will appear in this Report are, however, to be found.

Tables III, XII, XIII, XIV, XVI, XIX, XX, and XXI may be said to be new. The labor involved in extracting some of them from the old records and in critically correcting the records where faulty, has been quite considerable.



**TABLE I**  
**NUMBER OF STUDENTS IN THE LONG SESSION, BY DEPARTMENT AND SEX, DUPLICATES EXCLUDED**

Year.	College of Arts.			Department of Engineering.			Department of Law.			Main University.			Department of Medicine.			Whole University.		
	Men	Women	Both	Men	Women	Both	Men	Women	Both	Men	Women	Both	Men	Women	Both	Men	Women	Both
82-84	111	58	169				52			163	58	221				163	58	221
84-85	101	52	153		56	56	60			157	52	209				157	52	209
85-86	100	39	139				60			160	39	199				160	39	199
86-87	118	54	172				73			191	54	245				191	54	245
87-88	132	45	177				73			205	45	250				205	45	250
88-89	562	248	810				314			876	248	1124				876	248	1124
88-89	143	44	187				91			254	44	298				254	44	298
89-90	179	51	230				79			258	51	309				258	51	309
90-91	153	54	207				76			259	54	313				259	54	313
91-92	170	103	273				92			262	103	365				262	103	365
92-93	173	78	251				77			250	78	328				250	78	328
88-93	818	330	1148				415			1233	330	1563				1233	330	1563
93-94	171	76	247				108			279	76	355				279	76	355
94-95	213	116	329				118			331	116	447				331	116	447
95-96	214	124	338				144			358	124	482				358	124	482
96-97	197	123	320				143			340	123	463				340	123	463
97-98	254	141	395				146			400	141	541				400	141	541
98-98	1049	580	1629				659			1708	580	2288				1708	580	2288
98-99	264	173	437				157			421	173	594				421	173	594
99-00	259	180	439				169			439	180	619				439	180	619
00-01	327	224	551				206			580	224	804				580	224	804
01-02	343	262	605				206			602	262	864				602	262	864
02-03	283	238	521				185			594	238	832				594	238	832
98-03	1476	1077	2553				883			2674	1077	3751				2674	1077	3751
							315			883		1199				315		1199

03-04	235	263	408	133	1-3	186	183	574	263	837	200	351	235	774	298	1072
04-05	284	307	501	214	1-3	183	181	681	307	988	211	36	247	862	343	1215
05-06	340	411	751	269	269	242	241	851	411	1262	250	35	285	1101	440	1547
06-07	370	448	818	316	288	288	288	974	448	1492	226	42	271	1203	490	1693
07-08	453	483	936	315	315	303	303	1077	483	1500	234	46	280	1311	529	1841
03-08	1682	1912	3504	1267	1267	1298	1298	4157	1912	6000	1124	194	1318	5281	2106	7387
08-09	402	488	800	271	271	372	372	1045	488	1533	250	50	300	1295	538	1833
09-10	511	515	1026	236	236	304	304	1031	515	1506	256	41	297	1347	553	1833
10-11	572	548	1130	270	270	286	286	1138	548	1677	212	50	292	1340	599	1939
11-12	655	628	1283	239	239	283	283	1177	628	1807	182	49	281	1339	679	2088
12-13	732	678	1476	299	299	335	335	1456	678	2116	200	50	250	1626	740	2316
08-13	2932	2937	5789	1315	1327	1580	1583	5897	2937	8690	1100	240	1340	6937	3112	10031
13-14	843	748	1501	296	304	355	355	1494	748	2254	217	59	276	1711	819	2530
14-15	902	737	1639	284	296	348	357	1534	737	2287	225	54	285	1750	867	2576
15-16	952	811	1773	287	302	350	373	1603	811	2434	232	43	285	1821	908	2720
16-17	1018	973	1991	265	279	340	353	1623	1009	2627	287	82	369	1910	1082	2992
17-18	714	890	1613	179	190	140	152	1632	929	1555	238	85	323	1271	1007	2278
13-18	4479	4198	8407	1311	1371	1533	1575	7232	4307	11533	1229	323	1552	8482	4625	13105

Note: The quintennial figures give merely the total registration for five years not excluding duplicates and therefore do not indicate the number of individuals. Previously printed figures have been somewhat revised.

TABLE II  
NUMBER OF STUDENTS IN THE SUMMER SESSION AND CORRESPONDENCE DIVISION, DUPLICATES EXCLUDED

Year.	Summer School.			Summer Normal.			Summer Session.			Next Long Session.	Long and Summer Sessions.	Correspondence Students Sept. to Sept.	Total Net Individuals.
	Men	Women	Both	Men	Women	Both	Men	Women	Both				
1898	34	22	56	72	58	130	106	80	186	800			
1899	52	32	84	30	57	87	82	80	171	870			
1900	39	27	66	10	40	50	49	67	116	1005			
1901	80	37	117	27	38	65	116	75	191	1109			
1902	87	63	150	40	72	112	127	135	262	1086			
1903	95	81	176	33	76	109	128	117	245	1072			
1904	81	70	151	24	76	100	105	146	251	1235			
1905	121	106	227	42	175	217	163	281	444	1547			
1906	210	118	328	58	194	252	268	312	580	1693			
1907	205	150	364	59	202	261	264	361	625	1840			
1908	220	177	397	58	286	344	278	463	741	1833			
1909	232	217	449	48	291	339	340	508	848	1863			
1910	248	217	465	37	260	297	285	477	762	1939		225	2738
1911	252	184	436	61	234	295	313	418	731	2038		361	2832
1912	325	243	568	55	304	359	380	547	927	2306		491	3339
1913	378	276	654	61	265	326	439	541	980	2530	3216	681	3499
1914	436	352	808	54	343	397	510	695	1205	2576	3447	792	3916
1915	476	361	837	63	359	428	545	720	1265	2729	3676	906	4315
1916	498	545	1043	50	384	434	548	929	1477	2892	4070	1046	4624
1917	423	574	997	50	322	372	473	896	1369	2278	3359	1051	4044
1918	375	500	1273	7	381	388	377	1215	1592				

TABLE III

OLD AND NEW STUDENTS: RETURN PERCENTAGES; MAIN UNIVERSITY; LONG SESSION

Year.	Per cent. Students (Graduat- ing.	Graduates.	Students Old and New.	Due to Return.	Per cent. that Returned.	No. that Returned Old Students.	New Students.	Per cent. New Students.	New Students Summer Session.
1883-84	6	13	221	208	42	87	221	100	
1884-85	10	22	200	187	50	94	122	59	
1885-86	16	32	190	167	56	94	105	53	
1886-87	13	32	245	213	107	112	151	55	
1887-88	15	37	250		53		138		
1888-89	15	42	278	213	59	125	153	55	
1889-90	13	40	309	236	60	142	167	54	
1890-91	12	35	283	206	50	135	148	52	
1891-92	14	50	305	248	64	160	205	57	
1892-93	16	48	328	315	58	183	145	44	
1893-94	13	46	355	280	60	167	187	53	
1894-95	13	64	447	360	73	227	220	49	
1895-96	15	74	482	383	73	280	202	42	
1896-97	19	97	463	408	64	261	202	43	
1897-98	15	81	541	419	64	268	273	50	
1898-99	16	92	504	400	61	266	301	51	
1899-00	18	116	648	502	68	342	306	47	163
1900-01	17	136	813	582	83	412	371	46	33
1901-02	17	147	864	677	75	503	358	41	51
1902-03	17	140	882	717	68	495	339	41	58
1903-04	19	156	837	692	72	501	336	40	80
1904-05	11	115	988	681	80	544	444	45	59
1905-06	12	155	1262	873	80	699	763	45	95
1906-07	10	141	1422	1107	77	843	579	41	111
1907-08	11	178	1560	1281	74	960	610	39	161
1908-09	12	188	1583	1382	70	963	570	37	140
1909-10	13	207	1563	1345	73	972	594	38	905
1910-11	14	228	1677	1361	72	992	685	41	188
1911-12	12	215	1807	1440	69	997	810	45	
1912-13	11	227	2116	1597	71	1138	978	46	
1913-14	11	235	2254	1880	69	1220	945	42	
1914-15	13	263	2287	1940	67	1331	926	42	
1915-16	13	313	2434	1994	71	1421	1013	42	
1916-17	13	329	2623	2121	70	1480	1137	43	
1917-18	13	248	1856	2294	48	1106	849	41	



TABLE IV  
AGES OF STUDENTS OF MAIN UNIVERSITY—LONG SESSION

Year.	Arts			Engineering		Law		Main		
	Men	Women	Both	Men	Both	Men	Both	Men	Women	Both
83-84										19.1
84-85			18.7			22.0		20.2	17.5	19.6
85-86			19.2			22.4		21.1	17.4	20.4
86-87										20.7
87-88								20.3	18.2	19.9
88-89								20.3	17.7	
89-90										20.6
90-91										20.2
91-92	22.4	21.0					24.0			
92-93	22.2	22.0					24.9			23.1
12-13	20.9	20.9	20.9	20.7	20.8	23.4	23.4	21.6	21.0	21.4
13-14	21.1	20.7	20.9	21.0	21.0	23.4	23.4	21.8	21.1	21.6
14-15	21.0	21.0	21.0	21.0	21.1	23.2	23.7			
15-16	20.9	20.9	20.9	21.0	21.2	22.9	23.0	21.5	21.3	21.4

TABLE V  
NATIVITY OF STUDENTS

Year	Main University					Medical Department				
	Texas	Other States	Foreign Countries	Not Given	Total	Texas	Other States	Foreign Countries	Not Given	Total
01-02	672	173	16	3	864					
02-03	636	166	18	12	832					
03-04	653	155	17	12	837					235
04-05	852	119	9	8	988	89	22	2	134	247
05-06	1090	150	16	6	1262	108	23	4	150	285
06-07	1150	183	24	65	1422	83	18	3	167	271
07-08	1352	192	16		1560	96	17	1	166	280
08-09	1298	214	16	5	1533	223	40	5	34	300
09-10	1277	239	18	32	1566	215	43	8	31	297
10-11	1422	222	20	13	1677	179	40	7	36	262
11-12	1523	265	17	2	1807	151	43	6	31	231
12-13	1776	316	24		2116	223	6	8	13	250
13-14	1856	360	27	2	2254	237	10	18	11	276
14-15	1854	381	37	15	2287	205	41	4	39	289
15-16	2020	359	44	11	2434	213	45	8	29	295
16-17	2205	370	48		2623					
17-18	1628	269	40	8	1955					

TABLE VI  
RESIDENCE OF LONG SESSION STUDENTS

Year	Main University					Medical Department				
	Texas Counties Represented	Texas	Other States	Foreign	Total number of Students	Texas Counties Represented	Texas	Other States	Foreign	Total number of Students
83-84		221			221					
84-85		208	1		209					
85-86		195	4		199					
86-87		244	1		245					
87-88		249	1		250					
88-89		275	3		278					
89-90		302	6	1	309					
90-91		279	4		283					
91-92		362	2		365		29	1		33
92-93		324	4		328		23	1	1	25
93-94		343	12		355		127			127
94-95		439	8		447		182	1		183
95-96		470	12		482		248			248
96-97		453	9	1	463		283	2		288
97-98	100	530	10	1	541		255	3	1	259
98-99		581	13		594		202	3	1	206
99-00	119	626	22		648		219	2	1	222
00-01	136	793	20		813		192			192
01-02	*145	849	14	1	864		244	1		245
02-03	128	814	17	1	832	102	254			254
03-04	131	819	15	3	837	91	233	2		235
04-05	145	956	26	6	988	93	245	2		247
05-06	149	1225	31	6	1262	105	281	4		285
06-07	153	1378	38	6	1422	96				271
07-08	169	1522	32	6	1560	97				280
08-09	176	1489	41	3	1533	108	297	2	1	300
09-10	176	1532	33	1	1566	102	294	3		297
10-11	173	1621	56		1677	74	255	7		262
11-12	176	1746	56	6	1807	89	224	6	1	231
12-13	175	2038	67	11	2116	88	243	7		250
13-14	172	2187	56	11	2254	93	264	12		276
14-15	194	2208	66	13	2287	97	268	21		289
15-16	193	2340	82	12	2434	110	274	21		295
16-17	212	2544	71	8	2623					
17-18	184	1900	46	9	1955					

\*Main and Medical.



TABLE VIII  
CHURCH AFFILIATIONS AND PREFERENCES  
Main University

Year	Methodist	Baptist	Presbyterian	Episcopal	Christian	Roman Catholic	Jewish	Lutheran	Others	Not given	No preference	Total
91-92	76	84	67	41	42	2	6	4	3		52	365
92-96	75	57	64	28	39	2	6	5	4		65	328
93-94	91	75	55	35	41	11	5	2	4		49	355
94-95	120	90	92	41	52	11	7		4		53	447
99-00	126	95	73	62	49	13	2	6	16			648
02-03	221	134	114	89	76	18	13	11	20		136	832
03-04	230	133	122	80	67	20	21	11	25		128	837
04-05	268	151	146	107	82	36	26	16	41	115		988
05-06	362	213	186	145	110	48	35	21	52	90		1262
06-07	440	231	206	155	132	58	30	23	57	91		1422
07-08	467	278	267	156	141	65	23	23	41	89		1560
08-09	487	254	251	155	136	61	28	25	29		107	1533
09-10	485	264	256	169	155	58	21	19	39	13	87	1566
10-11	462	337	228	169	151	63	26	30	45	71	95	1677
11-12	511	312	330	175	167	81	35	31	36	73	56	1897
12-13	616	384	365	194	186	87	35	48	49		132	2116
13-14	686	413	388	203	194	82	47	52	56		123	2254
14-15	712	427	360	212	183	86	57	39	67	90	54	2287
15-16	755	426	365	240	203	91	66	43	71	99	84	2434
16-17	797	543	392	234	233	107	63	45	86	47	76	2623
17-18	553	388	294	166	178	94	46	31	79	55	62	1956

  

Medical Department												
06-07	19	10	11	1	4	3		1		217	5	271
07-08	25	22	18	9	7	3	1	7	1	173	4	290
08-09	64	52	32	18	10	8	2	13	1	100		300
09-10	82	57	35	17	13	10	8	12	1	62		297
10-11	73	57	35	17	13	8	5	6	1	34	13	262
11-12	68	45	34	11	10	9	4	7	4	31	8	231
12-13	61	32	28	9	5	5	4	3	4	97	2	250
13-14	67	39	27	10	14	5	2	4	3	102	3	270
14-15	89	56	38	16	22	10	3	8		47	1	282
15-16	92	70	31	14	30	8	2	1		34	2	295

Note. In certain years both the "not given" and "no preference" groups seem to have been regarded as one group and given under a single head.





TABLE IX. Continued  
OCCUPATIONS OF PARENTS OR GUARDIANS OF STUDENTS

Medical Department									
	1907-08	1908-09	1909-10	1910-11	1911-12	1912-13	1913-14	1914-15	1915-16
Agriculture and Stockraising	38	63	71	69	56	56	68	96	94
Stockraisers	11	16	16	12	9	7	9	9	12
Farmers	25	43	54	56	46	46	57	87	82
Miscellaneous	2	4	4	1	1	3	2		
Mining									
Manufacturing	1	2	3	1	4	2	2	6	5
Transportation	1	2	3	6	8	6	7	3	4
Railroad men		1	1	4	5	4	5	3	4
Miscellaneous	1	1	2	2	3	2	2		
Trade	19	25	47	42	54	33	31	58	16
Bankers and Capitalists			3	2			2		3
Merchants	8	13	28	22	18	21	18	28	30
Drummers				1	2	2	4		
Druggists	6	7	6	5				8	8
Real Estate men	1		1	1	2	1	1	5	5
Insurance men	1	1	1	1	1			2	2
Cotton buyer						1	1		
Miscellaneous	3	4	8	10	11	6	5	7	8
Mechanical Trades	3	5	9	12	11	3	5	6	9
Clerical and other service		4	4		3	3	3	10	12
Clerks and Salesmen			2	1	2	1	1	8	9
Bookkeepers	2	3	1	9	1	2	2		
Matrons, Housekeepers, etc.								2	3
Miscellaneous		1	1						
Public Service	1	2	1	1	4	4	4	4	4
Professions	27	55	55	57	54	55	62	67	84
Lawyers	2	6	7	6	4	7	8	10	9
Doctors	14	34	32	28	30	29	33	35	46
Teachers	3	3	3	6	5	7	7	7	9
Ministers	8	9	10	8	7	8	9	13	15
Publishers and Newspapermen					1	1	2		1
Miscellaneous		3	3	4	3	1	2	4	4
Retired					2				
Widows	11								
Miscellaneous		1	1	1	1	1	1		
Not given	179	141	107	75	58	89	94	3	27
Total	380	300	297	262	231	250	276	280	295

Note. Other occupations, widows, and retired frequently included in "Not given."

TABLE X  
MODES OF ADMISSION  
Main University—Long Session

Year	From Other Colleges	From Affil- iated Schools	From approved Schools	By Teacher's Certifi- cate	By Exam- ination	By Individ- ual Approval	By Other Modes	Total
95-96	2	47	-----	18	64	71	-----	202
01-02	55	161	-----	46	47	49	-----	358
02-03	136	388	41	62	116	89	-----	832
03-04	169	370	28	59	127	84	-----	837
04-05	252	567	66	39	64	-----	-----	988
05-06	375	668	92	56	71	-----	-----	1262
06-07	305	697	67	92	127	134	-----	1422
07-08	329	792	51	121	131	103	3	1560
08-09	229	884	53	96	92	178	1	1533
09-10	339	893	36	75	59	151	13	1566
10-11	143	390	15	2	13	122	-----	685
11-12	166	470	31	5	10	128	-----	810
12-13	252	462	37	1	7	182	7	978
13-14	255	471	36	4	8	163	8	945
14-15	258	498	40	5	3	146	6	956
15-16	281	549	34	8	9	128	4	1013
16-17	365	578	58	9	16	131	-----	1137
17-18	283	463	21	5	12	65	-----	849

Note: The figures for 1895-96, 1901-2, 1910 to 1917 include NEW students only. The figures 1902-03 to 1909-10 include ALL the students new and old. The figures for 1904-05 and 1905-06 exhibit no admissions by individual approval; evidently those admitted on individual approval were counted as coming from other colleges or affiliated schools.

TABLE XI  
NUMBER OF AFFILIATED SCHOOLS

Year	Total	Group I	Group II	Group III
		From 14½ units up	From 11 to 14 units	From 8 to 10½ units
1885-86	4	Itemized neither by subject nor units.		
86-87	11	Itemized neither by subject nor units.		
87-88	15	Itemized neither by subject nor units.		
88-89	23	Itemized neither by subject nor units.		
89-90	21	Itemized neither by subject nor units.		
90-91	25	Itemized neither by subject nor units.		
91-92	31	Itemized neither by subject nor units.		
92-93	37	Itemized neither by subject nor units.		
93-94	45	Itemized neither by subject nor units.		
94-95	56	Itemized neither by subject nor units.		
95-96	62	Itemized by subjects, not units.		
96-97	63	Itemized by subjects, not units.		
97-98	75	Itemized by subjects, not units.		
98-99	84	Itemized by subjects, not units.		
99-00	90	Itemized by subjects, not units.		
1900-01	98	Itemized by subjects, not units.		
01-02	96	Itemized by subjects, not units.		
02-03	97	Itemized by subjects, not units.		
03-04	99	Itemized by subjects, not units.		
04-05	99	Itemized by subjects, not units.		
05-06	110	After this year, itemized by subjects and units.		
06-07	128	37	52	39
07-08	129	49	40	40
08-09	139	65	45	29
09-10	138	87	36	15
10-11	137	77	48	18
11-12	148	94	42	12
12-13	155	110	38	7
13-14	164	115	38	11
14-15	175	129	29	17
15-16	188	143	28	17
16-17	203	165	20	18

17-18 System of University affiliation discontinued.

STUDENT REGISTRATION (R) IN TUNIT, CLASSIFIED BY SUBJECTS INTO FRESHMAN,  
SOPHOMORE UNIVERSITY, LONG SESSION.

Subject	1915-1916											
	Freshman		Total		Freshman		Sophomore		Upper		Total	
	R	H	R	H	R	H	R	H	R	H	R	H
Applied Mathematics					372	3	289	6	146	6	807	15
Bible (A. R. T. courses)							225	20			225	0
Botany		7	285	14	412	3	75	10	37	14	524	27
Business Administration							367	17	78	14	445	4
Chemistry		12	572	22	1417	4	142	8	149	24	1708	35
Home Economics							379	19	26	8	445	27
Economics		13	386	19			818	6	453	28	1271	54
English	183	17	2735	26	2607	4	1549	6	1325	36	5481	46
French	78	6	483	16	712	6	254	3	84	9	1046	18
Geology		3	459	23	721	10	71	9	45	18	840	37
German	120	20	1239	31	1050	6	386	7	151	21	1587	34
Government							621	7	110	19	731	26
Greek	76	7	260	17	182	6	42	7	143	9	367	22
History	111	9	1692	24	1651	9	757	9	496	35	2904	53
Institutional History							182	3	78	9	260	12
Journalism							250	23	18	6	268	29
Latin	108	12	637	20	747	4	184	4	94	10	827	18
Mathematics	352	9	2150	21	1768	6	188	6	67	12	2018	24
Music							275	12			275	12
Philosophy		9	117	12			284	3	88	15	372	18
Psychology							165	3	52	13	217	16
Physics		6	1230	14	1172	3	273	4	146	16	1591	23
Public Speaking		3	429	13	148	1	378	10	17	3	543	14
Russian							3	3			3	3
Bohemian							27	3			27	3
Semetics							8	5			8	5
Spanish	60	5	1031	15	1538	6	296	6	61	6	1896	18
Zoology		13	257	21	661	0	230	8	73	17	964	29
College of Arts	1005	51	13962	308	14953	77	8726	227	3937	346	27616	650
Department of Education		10	822	16	667	9	420	12	537	38	1624	50
Architecture					135	6	81	7	136	25	352	38
Civil Engineering	19	15	773	23	227	4	291	7	565	20	1083	31
Drawing	5	8	477	12	272	3		2	31		303	5
Electrical Engineering		14	120	15		1		2	441	20	441	23
Mechanical Engineering		6	55	10	54	1		4	79		133	5
Department of Engineering	17	43	1425	60	688	15	372	22	1252	65	2312	102
Department of Law		12	2864	36			2220	14	2763	49	4983	63
MAIN UNIVERSITY	1114	16	19173	420	16308	101	11738	275	8489	431	36535	874



TABLE XII

LEGISLATION IN THIRDS OF A COURSE AS A UNIT NUMBER OF COURSES GIVEN IN THIRDS OF A COURSE CLASSIFIED BY TYPE OF COURSE AND UPPER CLASSES DIVIDED BY 6 GIVES THE LEGISLATION PER COURSE MAX UNIVERSITY

**TABLE XIII**  
**SUBJECT REGISTRATIONS IN PERCENTAGES**  
**Main University, Excluding Law**

Subjects	1885-86	1890-91	1895-96	1900-01	1905-06	1910-11	1915-16
English .....	15.7	17.6	15.8	14.9	16.9	18.5	17.8
Public Speaking .....			1.6	4.1	2.6	2.4	1.7
English and Public Speaking .....	15.7	17.6	17.4	19.0	19.5	20.9	19.5
Greek .....	4.3	4.5	5.4	5.4	1.6	0.7	0.8
Latin .....	9.2	8.7	4.6	5.1	3.9	3.3	2.1
German .....	8.6	7.0	7.6	6.5	7.6	4.6	5.2
French .....	6.3	7.0	5.8	2.0	3.0	2.9	3.4
Spanish .....	3.9	0.9	2.8	4.1	6.3	6.2	6.1
Russian .....							0.1
Hebrew .....							
Bohemian .....							
Foreign Languages .....	32.3	28.1	26.2	23.1	22.4	17.7	17.7
History .....	9.6	7.6	7.7	11.3	10.5	12.4	9.5
Economics .....						3.2	4.0
Government .....						1.5	2.3
Institutional History .....						2.6	0.9
Economics, etc. ....			2.9	5.8	2.4	7.3	7.2
Philosophy .....							1.2
Psychology .....							0.7
Philosophy and Psychology....	6.3	4.3	2.0	1.3	0.7	1.7	1.9
Pure Mathematics .....						5.9	6.0
Applied Mathematics .....						3.9	2.7
Mathematics .....	19.8	16.3	11.2	13.7	13.3	9.8	8.7
Botany .....	0.6			1.4	1.8	2.2	1.8
Chemistry .....	8.6	9.0	6.0	5.5	3.5	3.2	5.4
Geology .....		2.9	3.3	3.6	2.8	2.9	2.7
Physics .....	5.4	8.6	7.6	2.5	7.6	4.3	5.2
Zoology .....		0.8	2.8	3.2	1.6	4.3	3.1
Natural Science .....	14.6	21.3	19.7	16.2	17.3	16.9	18.2
Bible .....							0.7
Business Administration .....							1.3
Home Economics .....							1.7
Journalism .....							0.8
Music .....							0.9
Miscellaneous .....							5.4
Education .....			9.7	5.3	5.1	4.3	5.1
Architecture .....						0.3	1.0
Civil Engineering .....	0.5	2.4	1.5	2.4	4.8	4.5	2.7
Drawing .....	1.3	2.4	1.3	1.7	2.9	1.6	1.0
Electrical Engineering .....			0.4	0.1	0.8	2.4	1.5
M. and M. Engineering.....					0.3	0.2	0.4
Engineering .....	1.8	4.8	3.2	4.2	8.8	9.0	6.6
Total percentages.....	100.1	100.0	100.0	99.9	100.0	100.1	99.8
Total Registration in thirds....	1910	3297	5472	9982	16,207	22,475	31,785

Note: Registration figures obtained mainly from Faculty Reports. For 1885-86, they were obtained from Student Registration Book; for 1903-06 in part from Class Rolls. The counts made from the Class Rolls in the Registrar's office usually differ slightly from the School Reports of the Faculty Reports.

TABLE XV  
NUMBER IN THE FACULTY

Teaching Positions	1885-86	1890-91	1895-96	1900-01	1905-06	1910-11	1915-16
<b>Main University—</b>							
Professors .....	7	8	5	16	17	19	40
Associate Professors .....	3	2	6	4	6	9	17
Adjunct Professors .....		5	7	7	4	15	31
<b>Total Professors .....</b>	<b>10</b>	<b>15</b>	<b>18</b>	<b>27</b>	<b>27</b>	<b>43</b>	<b>88</b>
Instructors .....	3	2	4	12	28	36	59
<b>Total Professors and Instructors .....</b>	<b>13</b>	<b>17</b>	<b>22</b>	<b>39</b>	<b>55</b>	<b>79</b>	<b>147</b>
Tutors and Quizmasters .....			3	7	7	16	22
Assistants .....			6	17	22	32	96
<b>Total Tutors, Quizmasters and Assistants .....</b>			<b>9</b>	<b>24</b>	<b>29</b>	<b>48</b>	<b>117</b>
<b>Total teaching staff .....</b>	<b>13</b>	<b>17</b>	<b>31</b>	<b>63</b>	<b>84</b>	<b>127</b>	<b>264</b>
<b>Medical Department—</b>							
Professors .....			9	9	9	10	11
Associate Professors .....						3	2
Adjunct Professors .....							3
<b>Total Professors .....</b>			<b>9</b>	<b>9</b>	<b>9</b>	<b>13</b>	<b>16</b>
Instructors .....			4	7	9	10	13
<b>Total Professors and Instructors .....</b>			<b>13</b>	<b>16</b>	<b>18</b>	<b>23</b>	<b>29</b>
Assistants .....			6		5	2	8
<b>Total teaching staff .....</b>			<b>19</b>	<b>16</b>	<b>23</b>	<b>25</b>	<b>37</b>
<b>Whole University—</b>							
<b>Total Professors and Instructors .....</b>	<b>13</b>	<b>17</b>	<b>35</b>	<b>55</b>	<b>73</b>	<b>102</b>	<b>176</b>
<b>Total Tutors, Quizmasters and Assistants .....</b>			<b>15</b>	<b>24</b>	<b>34</b>	<b>50</b>	<b>125</b>
<b>Total teaching staff .....</b>	<b>13</b>	<b>17</b>	<b>50</b>	<b>79</b>	<b>107</b>	<b>152</b>	<b>301</b>
<b>Main University—</b>							
<b>Library Staff:</b>							
Salaries above \$600 .....				1	4	6	13
Salaries below \$600 .....				3	2	3	10
<b>Physical Training Staff:</b>							
Salaries above \$600 .....				1	3	1	4
Salaries below \$600 .....					3	3	
<b>Administrative Staff:</b>							
Salaries above \$600 .....	1	1	1	4	4	5	15
Salaries below \$600 .....				2	2	3	7
<b>Business Staff .....</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>6</b>	<b>7</b>	<b>9</b>	<b>13</b>
<b>Total non-teaching staff .....</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>17</b>	<b>26</b>	<b>30</b>	<b>64</b>
<b>Medical Department—</b>							
<b>Library, Administrative, Business Staffs, etc. (All non teachers.)</b>							
Salaries above \$600 .....			2	3	3	5	7
Salaries below \$600 .....			1	2	4	2	3
<b>Total non-teaching staff .....</b>			<b>3</b>	<b>5</b>	<b>7</b>	<b>7</b>	<b>10</b>
<b>Whole University—</b>							
<b>Total non-teaching staff .....</b>	<b>2</b>	<b>2</b>	<b>5</b>	<b>22</b>	<b>32</b>	<b>37</b>	<b>74</b>

Note: Special positions in Extension, Economic, Geology, and Municipal Bureau omitted. Firemen, janitors, laborers, pages, etc., omitted.





TABLE IV  
DEGREES CONFERRED  
M—Men, W—Women

TABLE XVI

NUMBER OF STUDENTS IN LONG SESSION IN RELATION TO NUMBER OF TEACHERS. PROFESSORS OF ALL RANKS, INSTRUCTORS, TUTORS, AND QUIZMASTERS INCLUDED

	1885-86	1890-91	1895-96	1900-01	1905-06	1910-11	1915-16
<b>Whole University</b>							
Number of Long Session Students	199	283	730	1005	1547	1939	2724
Number of Teachers	13	17	38	62	80	118	198
Number of Students per Teacher	15.3	16.7	19.2	16.2	19.3	16.4	13.8
<b>Main University</b>							
Number of Long Session Students	199	283	482	813	1262	1677	2429
Number of Teachers	13	17	25	46	62	95	169
Number of Students per Teacher	15.3	16.7	19.3	17.7	20.3	17.7	14.4
<b>Medical Department</b>							
Number of Long Session Students			248	102	285	262	295
Number of Teachers			13	16	18	23	29
Number of Students per Teacher			19.1	12.0	15.3	11.4	10.2

TABLE XVII

AVERAGES OF FACULTY SALARIES

Year	Full Professors	Associate Professors	Adjunct Professors	All Professors	Instructors	All Professors and Instructors
<b>Whole University</b>						
85-86	\$3,857	\$2,667		\$3,500	\$1,200	\$2,900
90-91	3,375	2,500	\$2,000	2,800	600	2,541
95-96	2,964	2,537	2,028	2,697	1,237	2,309
00-01	2,798	2,333	1,786	2,541	1,098	2,032
05-06	2,808	2,233	1,900	2,611	1,223	1,898
10-11	2,929	2,230	1,867	2,496	1,215	1,874
15-16	3,092	2,282	1,883	2,539	1,326	2,035
<b>Main University</b>						
85-86	3,857	2,667		3,500	1,200	2,900
90-91	3,375	2,500	2,000	2,800	600	2,541
95-96	3,400	2,537	2,028	2,579	1,125	2,315
00-01	2,704	2,333	1,786	2,390	1,151	2,000
05-06	2,765	2,233	1,900	2,518	1,244	1,870
10-11	2,921	2,256	1,867	2,614	1,267	1,884
15-16	3,089	2,291	1,883	2,506	1,304	2,055
<b>Medical Department</b>						
90-91						
95-96	2,722			2,722	1,350	2,300
00-01	2,944			2,944	1,014	2,100
05-06	2,889			2,889	1,165	1,982
10-11	2,944	2,000		2,850	1,065	1,841
15-16	3,100	2,200	1,833	2,727	1,023	1,938

TABLE XVIII  
INCOME—AVAILABLE FUND  
OPENING STATEMENT, DECEMBER 1, 1881

Bonds from Permanent Fund.....	\$34,464.34
Premium on \$26,155.97 of bonds sold.....	5,338.41
Opening balance according to Comptroller Brown's ruling.....	\$39,802.75
Transferred to the Available Fund, September 21, 1883, interest on bonds, according to Comptroller Swain's ruling.....	86,950.94

Final Opening Balance.....\$126,753.69

Notes: After Dec. 1, 1881, \$51,152.09 was spent for the maintenance of the Agricultural and Mechanical College out of the Available Fund. For the same purpose, \$15,099.75 was spent before Dec. 1, 1881, out of the Permanent Fund, making a total of \$66,251.84. Similarly, before Dec. 1, 1881, \$14,844.76 was spent for the maintenance of the Prairie View Normal.

#### INCOME, MAIN UNIVERSITY

In this table all of the income of the University not coming from Legislative appropriations except medical student fees are credited to the Main University.

Year	Income	Interest on Bonds	Interest on Land Notes	Lease of Lands	Student Fees	Legisla- tive App- ropriation	Miscel- laneous
Nov. 30, 1881	\$ 126,753.69						
81-82	23,205.00	\$23,185.00					\$20.00
82-83	68,604.22	45,104.22	\$23,500.00				
83-84	38,425.48	24,687.00	11,058.08				
84-85	42,089.66	31,948.30	5,482.40	2,009.06	2,649.90		
85-86	42,077.62	33,270.07	6,237.55		2,570.00		
86-87	44,725.50	31,162.30	8,446.50	451.20	3,170.00		1,495.50
87-88	120,342.13	33,112.00	5,945.57	3,016.56	3,268.00	75,000.00	
88-89	49,355.27	33,267.00	5,327.97	7,050.30	3,710.00		
89-90	79,192.11	33,268.60	9,334.23	7,759.28	3,830.00	25,000.00	
90-91	123,873.68	33,768.60	3,671.48	15,823.60	3,610.00	50,000.00	17,000.00
91-92	63,818.43	29,371.10	3,319.93	14,787.40	6,340.00	10,000.00	
92-93	73,888.86	23,868.60	2,993.72	17,186.54	6,340.00	23,500.00	
93-94	63,068.21	36,195.00	1,823.64	10,499.60	7,050.00	7,500.00	
94-95	71,926.88	31,728.60	2,791.53	9,027.00	3,330.00	24,989.75	
95-96	84,586.59	46,152.20	2,191.19	9,139.20	4,604.00	22,500.00	
96-97	106,701.36	31,828.00	3,382.91	34,810.21	4,180.00	32,500.24	
97-98	111,578.57	31,828.60	2,469.98	39,186.79	5,195.00	32,500.00	398.20
98-99	135,047.36	31,928.60	2,547.02	54,670.74	5,885.00	40,000.00	10.00
99-00	122,425.13	31,895.00	2,621.35	39,814.65	6,855.00	40,000.00	1,239.13
00-01	139,316.49	31,895.00	2,363.87	57,161.62	7,752.00	40,000.00	144.00
01-02	230,303.03	31,895.00	2,393.27	49,664.72	11,350.04	135,000.00	
02-03	204,564.38	31,895.00	2,611.80	79,205.44	10,508.51	65,000.00	15,343.63
03-04	257,351.76	31,365.00	2,929.11	71,531.09	11,426.56	140,000.00	100.00
04-05	249,407.90	30,905.00	2,763.68	77,338.90	12,965.95	125,000.00	464.37
05-06	233,193.03	30,985.00	2,955.18	100,344.62	17,289.06	81,250.00	369.17
06-07	216,987.59	25,873.35	2,656.98	106,720.60	19,626.35	61,250.00	860.31
07-08	259,113.26	26,047.55	2,453.73	103,402.18	20,891.76	105,500.00	818.04
08-09	268,415.08	26,405.00	2,201.51	112,193.17	21,969.66	101,000.00	646.34
09-10	423,616.71	38,148.33	2,250.00	100,941.23	19,847.83	240,400.00	32,029.32
10-11	421,465.76	20,517.50	2,163.06	134,505.06	23,047.14	240,000.00	1,233.00
11-12	396,503.15	21,586.00	1,851.16	145,453.45	25,353.88	201,430.95	827.71
12-13	537,540.57	21,586.00	2,123.66	147,709.39	32,625.52	333,000.00	495.50
13-14	775,124.91	21,586.00	1,852.43	157,694.39	34,343.43	558,105.09	1,643.57
14-15	464,083.12	21,586.00	1,135.16	171,273.30	33,167.89	235,343.80	1,526.97
15-16	829,469.15	21,586.00	1,360.30	179,302.58	36,333.60	586,617.77	4,218.90
16-17	867,460.26	21,586.00	1,595.87	186,002.69	39,253.73	615,628.85	3,393.12





TABLE 23  
DEGREES CONFERRED  
M—Men, W—Women

TABLE XVIII—Continued  
INCOME, MEDICAL DEPARTMENT

To	Total	Fees	Appropriation	Miscellaneous
March 1, 1891.....	\$131,649.55	-----	\$105,000.00	\$26,649.55
1891-92.....	24,520.00	\$2,520.00	24,000.00	-----
92-93.....	24,790.00	2,790.00	22,000.00	-----
93-94.....	39,100.00	5,400.00	33,700.00	-----
94-95.....	37,325.00	6,125.00	31,200.00	-----
95-96.....	46,045.00	7,545.00	38,500.00	-----
96-97.....	47,105.00	8,555.00	38,500.00	50.00
97-98.....	44,675.00	6,175.00	38,500.00	-----
1898.....	38,500.00	-----	38,500.00	-----
98-99.....	40,821.90	5,321.90	35,500.00	-----
99-1900.....	48,160.00	6,660.00	41,500.00	-----
1900-01.....	80,713.46	5,115.00	75,598.00	5.46
01-02.....	49,636.00	6,190.00	43,000.00	3,145.10
02-03.....	46,000.50	6,225.00	39,775.89	12.70
03-04.....	59,660.81	6,640.25	48,006.66	5,013.90
04-05.....	55,822.46	7,289.40	48,006.66	526.40
05-06.....	58,117.50	8,867.50	49,000.00	250.00
06-07.....	56,806.30	7,556.30	49,000.00	250.00
07-08.....	58,131.30	7,881.30	50,000.00	250.00
08-09.....	59,453.90	9,263.90	50,000.00	250.00
09-10.....	64,236.50	8,986.50	55,000.00	250.00
10-11.....	61,887.90	6,637.90	55,000.00	250.00
11-12.....	72,486.60	7,236.60	65,000.00	250.00
12-13.....	90,498.82	7,586.50	69,000.00	13,912.32
13-14.....	109,560.99	9,005.03	100,194.91	751.05
14-15.....	139,078.88	8,382.94	129,999.00	706.85
15-16.....	134,929.96	8,655.46	125,000.00	1,274.50
16-17.....	97,307.02	10,245.30	85,800.00	1,261.72

TABLE XIX

EXPENDITURES MAIN UNIVERSITY, INCLUDING \$51,152.09 SPENT FOR THE MAINTENANCE OF THE AGRICULTURAL AND MECHANICAL COLLEGE, OUT OF THE AVAILABLE FUND, DURING THE YEARS 1881-1900

The Maintenance column includes all betterments and increases to plant other than Buildings and even includes some expenditures for buildings. Betterments and Maintenance are not distinguished in the accounts and summaries of the University.

Year	Total	Buildings	Salaries	Main-tenance	Mineral Survey, Economic Geology	Extension
1881-82	\$15,160.37	\$1,409.17		\$13,751.20		
82-83	46,827.37	38,042.70		8,784.67		
83-84	121,792.49	28,428.62	27,516.53	65,847.34		
84-85	60,503.11		52,166.43	8,336.68		
85-86	63,821.58		43,854.45	19,967.13		
86-87	61,872.61		39,679.07	22,193.54		
87-88	53,627.63		41,030.66	12,596.97		
88-89	122,263.47	49,444.19	46,817.38	26,001.90		
89-90	66,705.45	28,099.75	47,137.06			
90-91	88,161.43	23,327.80	49,589.62	6,712.65		
91-92	99,176.63	35,779.02	56,733.59	6,664.02		
92-93	90,057.14	7,000.00	57,874.93	25,182.21		
93-94	67,111.18		43,331.95	23,779.23		
94-95	69,164.47		62,044.75	7,119.72		
95-96	79,860.38		62,393.85	17,466.53		
96-97	76,627.16		63,775.04	12,852.12		
97-98	128,579.99	20,520.72	75,404.00	32,655.27		
98-99	114,743.88	17,171.78	71,434.48	26,137.57		
99-1900	155,166.94	30,324.38	104,542.90	20,299.66		
1900-01	134,736.87		103,356.84	28,087.37	3,292.66	
01-02	186,848.45	17,209.03	116,623.31	40,525.20	12,430.91	
02-03	227,555.31	59,531.45	115,850.96	39,560.19	12,612.71	
03-04	266,892.31	77,518.84	123,678.31	45,648.21	14,986.95	
04-05	250,421.86	26,411.92	136,715.66	78,374.93	8,919.35	
05-06	195,818.37		142,727.00	53,091.37		
06-07	249,831.04	49,414.66	153,188.15	47,228.23		
07-08	277,060.49	71,813.22	157,543.13	47,704.14		
08-09	256,791.47	27,572.28	174,771.83	54,383.01		64.35
09-10	351,084.91	84,339.44	195,773.06	64,436.83	3,840.51	2,695.07
10-11	470,407.37	179,832.01	202,042.66	76,430.45	6,811.57	5,290.68
11-12	410,216.03	43,099.19	240,275.69	87,948.53	11,771.97	6,520.65
12-13	516,291.93	77,522.15	284,988.77	120,667.46	13,427.51	19,686.04
13-14	615,483.08	38,996.31	360,491.48	160,896.94	16,362.68	38,735.67
14-15	624,950.12	11,612.28	409,984.57	129,970.69	26,518.42	46,804.16
15-16	629,759.71		424,724.98	135,545.67	25,016.43	44,472.63
1916-17	890,280.90	224,330.95	446,124.45	145,883.64	26,020.96	47,920.90

Note: To balance, the years 1889-90, 1890-91, must be taken together.

Note: Included in the maintenance column are the following amounts appropriated for the support of the Summer School, which to the summer of 1918 has been a half public, half private, enterprise.

1897-98	\$ 1,000.00	08-09	4,565.06
98-99	906.31	09-10	4,825.62
99-00	947.68	10-11	4,537.76
1900-01	1,524.64	11-12	6,512.65
01-02	1,780.90	12-13	9,100.03
02-03	1,952.20	13-14	12,746.29
03-04	2,023.51	14-15	12,392.73
04-05	2,626.39	15-16	12,481.79
05-06	4,062.99	16-17	17,552.44
06-07	3,925.96	1898-1917	109,496.18
07-08	4,001.28		

TABLE XIX—Continued  
EXPENDITURES, MEDICAL DEPARTMENT

	Total	Salaries	Maintenance	Buildings
To March 1, 1891.....	\$120,185.21		\$1,649.55	\$118,535.66
March 1, 1891-92.....	23,777.43	\$22,425.00	1,352.43	
March 1, 1892-93.....	22,044.30	23,900.00	8,144.30	
March 1, 1893-94.....	39,585.41	26,700.00	12,885.41	
March 1, 1894-95.....	37,822.59	26,700.00	11,122.59	
March 1, 1895-96.....	48,764.65	33,633.27	15,131.38	
March 1, 1896-97.....	47,143.65	37,236.19	9,907.46	
March 1, 1897-98.....	45,886.31	34,428.31	11,458.00	
September 1, 1898.....	20,322.49	17,097.69	3,224.71	
September 1, 1898-99.....	42,853.86	37,257.10	5,596.76	
September 1, 1899-00.....	43,887.47	37,154.97	6,732.50	
September 1, 1900-01.....	82,511.50	36,782.58	45,728.92	
September 1, 1901-02.....	62,803.22	39,257.37	23,545.85	
September 1, 1902-03.....	48,464.83	40,178.31	8,286.52	
September 1, 1903-04.....	59,202.36	42,399.33	16,803.03	
September 1, 1904-05.....	55,523.66	42,986.66	12,537.00	
September 1, 1905-06.....	58,539.83	46,014.67	12,525.16	
September 1, 1906-07.....	56,274.04	46,205.64	10,068.40	
September 1, 1907-08.....	59,641.23	48,062.02	11,579.21	
September 1, 1908-09.....	58,954.71	50,111.66	8,843.05	
September 1, 1909-10.....	63,336.67	50,458.71	12,877.96	
September 1, 1910-11.....	62,785.09	50,641.66	12,143.43	
September 1, 1911-12.....	68,099.77	52,691.66	15,408.11	
September 1, 1912-13.....	90,527.46	56,861.66	16,198.70	17,527.10
September 1, 1913-14.....	105,828.38	59,561.41	17,671.58	28,194.91
September 1, 1914-15.....	138,349.27	62,355.91	16,691.27	59,292.09
September 1, 1915-16.....	129,263.63	66,347.39	61,382.13	1,534.12
September 1, 1916-17.....	104,836.98	70,461.86	23,770.14	10,604.90

TABLE XX  
TOTAL INCOME AND EXPENDITURE, 1883-1917

	Main University	Medical Department	Whole University	
Opening Balance.....				\$ 136,753.66
Total Income.....	\$ 8,238,798.24	\$ 1,817,410.47	\$10,056,208.71	\$10,056,208.71
Interest on Bonds.....	\$ 1,063,016.59		\$ 1,063,016.59	
Interest on Land Notes.....	140,805.82	50,458.71	140,805.82	
Lease of Lands.....	2,245,677.06		2,245,677.06	
Student Fees.....	437,099.61	\$182,097.62	619,197.23	
Legislative Appropriation.....	4,252,016.45	1,579,210.50	5,831,226.95	
Miscellaneous.....	84,182.78	55,102.35	139,285.13	
Total.....				\$10,182,967.40
Expenditures.....	\$ 8,135,593.45	\$ 1,807,156.36	\$ 9,942,749.81	\$ 9,942,749.81
Buildings.....	\$ 1,280,311.89	\$ 237,298.78	\$ 1,517,610.67	
Salaries.....	4,739,187.54	1,137,851.03	5,877,038.57	
Maintenance.....	1,712,731.57	412,096.35	2,124,827.92	
Bureau Economic Geology.....	182,012.63		182,012.63	
Extension.....	212,250.15		212,250.15	
Balance September 1, 1917.....	\$229,958.48	\$10,254.11	\$240,212.59	\$240,212.59
Total.....				\$10,182,967.40



TABLE XXI  
QUINQUENNIAL INSTRUCTION COSTS

Excludes all expenditures for (1) Buildings; (2) Mineral Survey or Bureau of Economic Geology; (3) Department of Extension; (4) Appropriation for the Support of the A. and M. College out of the Available Fund, Includes Cost of Summer School.

Main University				Medical Department				Whole University			
Years	Expenditures	Number of Long Session Students	Expenditures divided by number of Students	Years	Expenditures	Number of Long Session Students	Expenditures divided by number of Students	Years	Expenditures	Number of Long Session Students	Expenditures divided by number of Students
1881-88	\$ 311,189.33	1124	276.85	1881-88	-----	-----	-----	1881-88	\$ 311,189.33	1124	276.85
1888-93	319,764.91	1563	204.57	1888-93	-----	-----	-----	1888-93	319,764.91	1563	204.57
1893-98	398,454.16	2288	174.23	1893-98	\$ 296,996.29	1153	257.58	1893-98	659,650.45	3441	202.16
1898-03	634,918.48	3751	177.25	1898-03	280,460.88	1119	250.63	1898-03	945,379.36	4370	194.12
1903-08	900,899.33	6069	163.25	1903-08	289,181.12	1318	219.40	1903-08	1,280,680.25	7387	173.28
1908-13	1,591,718.29	8069	172.61	1908-13	326,176.60	1340	243.41	1908-13	1,827,894.89	10039	182.07
1913-17	2,213,622.42	9588	230.63	1913-17	377,012.69	1239	306.78	1913-17	2,590,665.11	10827	239.27
1881-1917	6,404,766.72	33642	193.42	1881-1917	1,569,887.58	6159	254.89	1881-1917	7,970,624.30	39251	203.07

Note.—If all expenditures of whatever character be included, the 1881-1917 costs in crasse to \$245.85, \$296.42 and \$253.31, respectively.

TABLE XXII

UNIVERSITY PERMANENT FUND: HISTORICAL EXHIBIT  
First Period, 1856-1865

(No Land Sales Prior to 1858)	Receipts.	Disbursements.
Land Sales and Interest on Land Notes under Act of August 30, 1856, General Laws, Sixth Legislature, Chapter 144	\$175,207.32	
U. S. Bonds and Interest, Act of February 11, 1858, General Laws, Seventh Legislature, Chapter 116	109,472.26	
Frontier Defense, Act of January 31, 1860, General Laws Eighth Legislature, Chapter 32		\$109,472.26 <sup>a</sup>
Mileage and per diem of Legislature, Act of January 29, 1861, General Laws, Eighth Legislature, Special Session		9,768.62 <sup>a</sup>
Frontier Defense, Act of February 8, 1861, General Laws, Eighth Legislature, Chapter 19, Special Session		25,000.00 <sup>a</sup>
Contingent Expenses of Legislature, Act of January 9, 1862, General Laws, Ninth Legislature, Chapter 86		1,521.40 <sup>a</sup>
Transferred to State Revenue by Comptroller, May 30, 1863, Perhaps justified by Act of February 9, 1861, General Laws, Eighth Legislature, Chapter 23, Called Session		40,000.00 <sup>a</sup>
Transferred to State Revenue by Comptroller, February 28, 1865, Perhaps justified by Act of February 9, 1861, General Laws, Eighth Legislature, Chapter 23, Called Session		74,804.48 <sup>a</sup>
Transferred to State Revenue but replaced by Comptroller's Certificate of Indebtedness, June 8, 1865. Perhaps justified by Act of February 9, 1861, General Laws, Eighth Legislature, Chapter 23, Called Session, and by Act of December 16, 1863, General Laws, Tenth Legislature, Chapter 52		10,200.41 <sup>a</sup>
Transferred to State Revenue and replaced by Treasury Warrants bearing 10 per cent interest, Act of February 9, 1861, General Laws, Eighth Legislature, Chapter 23, Called Session		12,230.30 <sup>a</sup>
Surveying and selling lands		1,641.45
Balance, June 8, 1865		.57
Total	\$284,739.58	\$284,739.58

1. Lost to the Fund because of investment in Confederate bonds or use in support of the Confederacy.

2. Repaid to the Fund in 1866, Chapter 167, General Laws, Eleventh Legislature, Interest 1866-1883, August 1 paid, Chapter 27, General Laws, Eighteenth Legislature, \$66,395.68 to Permanent, \$45,104.22 to Available Fund.

3. Repaid without interest, Chapter 27, General Laws, Eighteenth Legislature.

Second Period, 1865-1881.

	Receipts	Disbursements
By Land Sales, 1865-1874		
By Land Sales, 1874-1875	\$ 29,262.46	
By Land Sales, 1875-1876	36,387.29	
By Land Sales, 1876-1877	57,893.82	
By Land Sales, 1877-1878	63,795.97	
By Land Sales, 1878-1879	60,374.54	
By Land Sales, 1879-1880	67,000.38	
By Land Sales, 1880-1881	71,542.03	
By Land Sales to Dec. 1, 1881	3,582.06	
By Land Sales, 1874-1881 under Act of April 8, 1874, General Laws, Fourteenth Legislature, Chapter 43	\$ 440,768.55	\$ 440,768.55
By Profit from sale of Specie	470.00	
From General Revenue	493.00	
By Bonds Validated	134,472.36	
To surveying and valuing land		\$ 9,582.74
To selling land		1,810.00
To attorney fees		200.00
To clerks in Treasury and Land Office		2,768.75
To locating University, 1867		46.00
To the Prairie View Normal		14,844.76
To the A. and M. College		15,000.75
To premium on bonds purchased		29,207.00
Total Disbursements		\$ 73,848.94

Total Disbursements \$ 73,848.94

TABLE XXII—Continued

## UNIVERSITY PERMANENT FUND: HISTORICAL EXHIBIT

## Second Period, 1865-1881

Balance—		
Bonds purchased .....	332,435.66	
Bonds validated .....	134,472.26	
Cash on hand .....	986.51	
Permanent Fund, excluding Land Notes .....	\$ 467,894.43	\$ 467,894.43
Transferred to the Available Fund .....		34,464.34
Total .....	\$576,207.71	\$ 576,207.71

## Third Period, 1880-1920

	1880	1885	1890
4% State Bonds .....	\$ 200.00	\$ 200.00	\$ 840.00
5% State Bonds .....	134,472.26 <sup>1</sup>	144,801.63	168,500.00
5% State Bonds .....	75,400.00		
6% State Bonds .....	175,500.00	178,000.00	179,000.00
7% State Bonds .....	63,000.00	200,000.00	201,000.00
State Bonds .....	\$148,572.26	\$523,001.63	\$549,340.00
Cash .....	10,300.41 <sup>2</sup>	2,350.89	19,860.75
Land Notes .....	2,563.23		
	187,000.00	113,023.00	64,606.81
Total .....	\$648,435.90	\$637,474.43	\$633,806.06

1. Bonds validated in 1866, General Laws, Eleventh Legislature, Chapter 167.

2. Comptroller's Certificate, validated in 1883, Chapter 27, General Laws, Eighteenth Legislature.

	1895	1900	1905
3% State Bonds .....			51,000.00
4% State Bonds .....	840.00		
5% State Bonds .....	347,700.00	351,700.00	354,700.00
6% State Bonds .....	165,000.00	165,000.00	165,000.00
7% State Bonds .....	63,000.00	63,000.00	20,000.00
State Bonds .....	\$576,540.00	\$579,700.00	\$506,700.00
Cash .....	1,693.45	2,998.73	738.14
Land Notes .....	58,932.88 <sup>3</sup>	41,224.36	55,500.52 <sup>4</sup>
Total .....	\$637,165.33	\$623,923.09	\$653,028.66

3. Good and bad standing.

4. Good standing only.

	1910	1915
3% State Bonds .....	\$216,000.00	\$429,700.00
5% State Bonds .....	365,100.00	173,900.00
7% State Bonds .....	26,000.00	
State Bonds .....	\$607,100.00	\$603,600.00
Cash .....	55.46	22,855.89
Land Notes .....	45,873.20	26,572.77
Total .....	\$653,028.66	\$653,028.66

TABLE XXIII  
LANDS: ENDOWMENT

Year	North Central Texas Fifty Leagues Granted 1839		West Texas Lands Two Million Acres Granted in 1876 and 1883	
	Sales		Leases	
	Acreage Remaining Unpatented	Principal Unpaid	Acreage Leased	Annual Lease Income
1888 -----	-----	\$68,120.50 <sup>5</sup>	92,157	\$2,170.18 <sup>1</sup>
1892 -----	-----	61,714.72 <sup>5</sup>	675,680 <sup>6</sup>	9,354.62
1895 -----	-----	68,932.88 <sup>6</sup>	343,340 <sup>6</sup>	11,490.60 <sup>3</sup>
1898 -----	-----	39,090.09	1,384,632	40,409.46
1900 -----	21,840	41,224.36	1,490,962	45,634.46
1902 -----	19,085	46,165.58	1,688,442	59,453.66
1904 -----	18,023	48,159.47	1,689,402	72,567.44
1906 -----	16,326	50,420.35	2,059,745	98,957.94
1908 -----	15,275	47,853.29	2,073,825	102,883.84
1910 -----	14,311	44,254.93	2,067,105	121,628.29
1912 -----	14,273	39,735.33	2,067,105	145,504.32
1914 -----	14,401	27,765.26	2,067,105	156,083.92
1916 -----	8,168	25,381.46	2,067,105	176,369.03

<sup>1</sup>Average for the years 1884, 1885, 1886, 1887. The lease of lands began in 1884 under the Act of April 12, 1883, Eighteenth Legislature, General Laws, Chapter 88.

<sup>2</sup>Average for the years 1888, 1889, 1890, 1891.

<sup>3</sup>Average for the eleven years, 1884 to 1894 was \$7,669.57 annually.

<sup>4</sup>Regents given control of University lands in 1895. Twenty-fourth Legislature, General Laws, Chapter 18.

<sup>5</sup>Land notes in good and bad standing; after 1895, only land notes in good standing listed.

<sup>6</sup>Not more than 60 per cent in good standing in 1892, not more than 80 per cent in 1895.



## TABLE XXIV

## ASSETS—SEPTEMBER 1, 1917

Based on the audit of Upleger and Falk, Certified Public Accountants

## A. PERMANENT FUND: ENDOWMENT

State Bonds .....	\$ 625,600.00
Land Notes .....	23,117.21
Cash .....	4,311.45—\$ 653,028.66
Donations:	
Littlefield Fund .....	\$25,000.00
Charles Durand Oldright Fellowship .....	11,000.00
Peabody Fellowship .....	6,000.00
Sherley Green Fellowship .....	5,000.00
I. H. Brackenridge Scholarship .....	5,000.00
D. A. R. Scholarship .....	4,000.00
T. F. W. O. Scholarship .....	3,500.00
Ballinger Jack Fund .....	1,000.00
L. G. Bugbee Loan Fund .....	785.57
Brown University Prize .....	505.00
W. J. Bryan Prize .....	427.92
Chimes Fund .....	289.44
Ida Hagerty Fund .....	10.00—\$ 62,517.93
Permanent Fund, Cash Assets .....	\$715,546.59
Lands: 2,067,105 acres, estimated at .....	\$3,524,014.80

## B. INVENTORY OF PLANT

## I. LAND. (AUSTIN AND GALVESTON)

	Main University	Estimated Value.
Campus, 40 acres .....		\$500,000.00
Clark Athletic Field .....		5,000.00
Brackenridge River Land .....		50,000.00
Total Austin Land .....		\$555,000.00
	Medical Department.	
College Block .....		\$22,600.00
Hospital Block .....		39,550.00
Brackenridge Hall Lots .....		7,600.00
Total Galveston Land .....		\$69,750.00
Total Land (Austin and Galveston) .....		\$624,750.00

## II. BUILDINGS

## Main University

Main Building .....	\$250,000.00
Chemical Laboratory .....	30,000.00
Brackenridge Hall .....	49,500.00
Old Power House .....	7,000.00
Sewer .....	2,598.00
Woman's Building .....	83,000.00
Engineering Building .....	84,000.00
Green House .....	2,000.00
Law Building .....	141,102.10
Library .....	281,601.10
New Power House .....	73,162.88
Chemical Magazine .....	500.00
Steam Tunnel .....	32,647.70
Education Building .....	172,091.15
Shacks .....	48,598.86—\$1,257,901.79

## Medical Department

Medical College .....	\$ 50,000.00
John Sealy Hospital .....	335,000.00
Woman's Hospital .....	135,000.00
Brackenridge Hall .....	40,000.00
Nurses Home .....	90,500.00
Isolation Hospital .....	17,500.00
Colored Hospital .....	21,500.00
Children's Building .....	13,000.00
Experimental Station .....	17,500.00—\$ 720,000.00
Total Buildings .....	\$1,977,901.79

TABLE XXIV—Continued

**ASSETS—SEPTEMBER 1, 1917**

Based on the Audit of Upleger and Falk, Certified Public Accountants

**B. INVENTORY OF PLANT**

**III. EQUIPMENT AND APPARATUS**

**Schools and Laboratories.**

**Main University:**

Agricultural Education .....	\$2,219.65
Applied Mathematics .....	111.00
Architecture .....	2,728.00
Art of Teaching .....	504.50
Botany .....	15,593.36
Business Administration .....	891.34
Chemistry .....	30,404.98
Civil Engineering .....	13,384.39
Drawing .....	2,004.25
Economics and Sociology .....	295.00
Educational Administration .....	298.00
Electrical Engineering .....	17,334.05
English .....	428.30
General Literature .....	33.50
Geology .....	8,352.58
Germanic Language .....	534.00
Government .....	336.56
Greek .....	3,584.65
History .....	585.50
History of Education .....	281.00
Home Economics .....	6,486.98
Institutional History .....	1,260.00
Journalism .....	10,074.84
Latin .....	807.90
Manual Training .....	581.05
Mechanical Engineering .....	21,462.40
Music .....	2,519.93
Philosophy of Education .....	1,616.56
Philosophy and Psychology .....	3,397.12
Physics .....	41,235.45
Public Speaking .....	128.50
Pure Mathematics .....	134.75
Romance Languages .....	128.00
Slavic Languages .....	65.00
Zoology .....	16,824.67

Total.....\$206,157.65

Library .....	\$228,715.50
Economic Geology Collection .....	20,000.00
Zoology Museum .....	10,000.00
Heating Equipment .....	33,592.18
Water System .....	8,200.00
Furniture and Office Equipment .....	86,827.89

Total Main University Equipment, General and Special.....\$613,433.22 \$ 613,433.22

**Medical Department:**

Equipment, Schools and Laboratories .....	\$ 84,077.93
Library .....	16,530.00
Furniture and Office Fixtures .....	26,111.75

Total Medical Equipment, General and Special.....\$126,718.98 \$ 126,718.98

Total Equipment.....\$740,152.20

TABLE XXV  
GROWTH OF THE LIBRARY  
Bound Volumes

Years	Purchase	Gift or Exchange	Binding	Total for Year	Grand Total
1883-84					1,200
1884-85					3,203
1890-91					6,000
1891-92					10,000
1896-96					15,770
1896-97					17,211 <sup>1</sup>
1897-98	717	10,674 <sup>2</sup>	350	11,741	28,952
1898-99	745	707	120	1,572	30,524
1899-00	1,296	424	245	1,965	32,489
1900-01	1,386	694	58	2,138	34,627
1901-02	837	540	407	1,784	36,411
1902-03	1,089	464	124	1,677	38,088
1903-04	1,607	2,691	547	4,845	42,933
1904-05	1,669	1,312	261	3,242	46,175
1905-06	1,767	3,008	751	5,526	51,701
1906-07	2,430	1,144	486	4,060	55,761
1907-08	2,045	874	267	3,186	58,947
1908-09	3,083	1,385	779	5,247	64,194
1909-10	3,201	1,307	620	5,128	69,322
1910-11	3,264	810	659	4,956	74,278
1911-12	4,038	1,273	482	5,791	80,069
1912-13	3,908	3,107	581	7,596	87,666
1913-14	8,423	1,626	1,078	11,127	98,792
1914-15	5,015	3,430	1,966	10,411	109,203
1915-16	7,451	2,654	2,910	13,025	122,228
1916-17	9,907	1,590	1,715	13,212	135,440

<sup>1</sup>In the "old" accession book, used till 1897, no dates are given. The few figures given between 1883 and 1897 are gleaned from early Faculty Reports. The figures for 1897-1917 have been carefully prepared by Librarian Goodwin, are for the fiscal years ending August 31, and represent a revision of previously printed Library figures.

<sup>2</sup>Sir Swante Palm's gift of his library included 10,374 volumes.

## TABLE XXVI

## REGENTS OF THE UNIVERSITY

Eight administrators of the University were appointed in 1867. See Note to J. R. 23, Eleventh Legislature. Eight others were appointed in 1872, eight in 1873. See Note to Item of February 13, 1873, Thirteenth Legislature.

See also J. R. 21, Eleventh Legislature, for the fourteen administrators of the "East Texas University."

## President of the Board of Regents

Ashbel Smith, November 14, 1881 to January 21, 1886.

Thomas D. Wooten, January 29, 1886 to June 20, 1895.

## Chairmen of the Board of Regents

Thomas D. Wooten, June 20, 1895 to July 28, 1899.

William L. Prather, July 28, 1899 to February 26, 1900.

Thomas S. Henderson, February 26, 1900 to February 14, 1903.

George W. Brackenridge, February 14, 1903 to June 6, 1904.

Thomas S. Henderson, June 6, 1904 to January 9, 1911.

Clarence Ousley, January 9, 1911 to August 15, 1914.

Fred W. Cook, October 27, 1914 to April 24, 1917. (George W. Littlefield was elected, but declined.)

Wilbur P. Allen, April 24, 1917 to October 11, 1917.

Fred W. Cook, October 23, 1917 to —.

Name.	Address	When Appointed.	Expiration of Term.	Governor Appointing
Alexander, L. C. ....	Waco.....	Dec. 22, 1881	January 9, 1887.....	Ireland
Allen, Wilbur P. ....	Austin.....	Jan. 27, 1907	Resigned, Oct. 11, 1917	Ferguson
Ball, Frank W. ....	Fort Worth.....	Feb. 6, 1882	Died September, 1900..	Hogg
Bell, James H. ....	Austin.....	April 1, 1881	November 8, 1881.....	Roberts
Bonner, John P. ....	Tyler.....	Sept. 27, 1911	January, 1911.....	Campbell
Brackenridge, Geo. W.	San Antonio.....	Nov. 27, 1880	January, 1911.....	Ireland
Brackenridge, Geo. W.	San Antonio.....	Aug. 28, 1917	Regent now.....	Hobby
Brents, William R. ....	Sherman.....	Dec. 8, 1910	Regent now.....	Ferguson
Browning, James N. ....	Amarillo.....	Jan. 27, 1902	January, 1907.....	Latham
Bryan, Beauregard.....	Brenham.....	Jan. 21, 1895	January, 1907.....	Cuthbertson
Burges, William H. ....	El Paso.....	Jan. 19, 1911	May 4, 1914.....	Colquitt
Butler, James W. ....	Clifton.....	Jan. 27, 1917	Resigned May 30, 1917.	Ferguson
Cain, Ben B. ....	Tyler.....	Jan. 27, 1903	January, 1907.....	Latham
Calvin, E. A. ....	Paris.....	Jan. 25, 1907	January, 1909.....	Campbell
Camp, J. S. ....	Gilmer.....	Sept. 29, 1881	April 20, 1882.....	Roberts
Chapman, Henry M. ....	Fort Worth.....	Jan. 27, 1903	January, 1907.....	Latham
Clark, James B. ....	Bonham.....	Mar. 14, 1883	June 20, 1885.....	Ireland
Cook, Fred W. ....	San Antonio.....	Jan. 19, 1911	Regent now.....	Colquitt
Cowart, Robert E. ....	Dallas.....	May 18, 1893	January, 1903.....	Hogg
Crawford, M. L. ....	Dallas.....	Mar. 2, 1887	July 6, 1888.....	Roberts
Devine, Thomas J. ....	San Antonio.....	April 1, 1881	March 1, 1882.....	Roberts
Dibrell, Joseph B. ....	Seguin.....	Jan. 19, 1911	March 28, 1911.....	Colquitt
Dougherty, William H.	Gainesville.....	Aug. 29, 1917	Regent now.....	Hobby
Edwards, Amasa N. ....	Sulphur Springs.....	April 1, 1881	August 10, 1882.....	Roberts
Faber, M. ....	Tyler.....	Feb. 3, 1917	November 22, 1916.....	Ferguson
Faust, Joseph ....	New Braunfels.....	April 5, 1911	September 20, 1913.....	Colquitt
Finley, N. Webster.....	Dallas.....	Jan. 25, 1907	Died Sept. 26, 1909.....	Campbell
Fly, A. W. ....	Galveston.....	Jan. 29, 1909	Vacated June, 1917.....	Campbell
Fly, A. W. ....	Galveston.....	July 13, 1917	Senate refused confirmation, August 28, 1917.	Ferguson



TABLE XXVI—Continued

Name.	Address.	When Appointed.	Expiration of Term.	Governor Appointing
Garnett, M. W.	Houston.	Mar. 14, 1883	August 7, 1883	Ireland
Garwood, Hiram M.	Houston.	Jan. —, 1899	January, 1903	Sayers
Gary, Hampson	Tyler.	Jan. 29, 1909	September 27, 1910	Campbell
Graham, J. Walter.	Austin.	Sept. 20, 1913	January, 1915	Colquitt
Gregory, Thomas W.	Austin.	Feb. 10, 1899	January, 1907	Sayers
Greenwood, Thomas B.	Palestine.	Jan. 25, 1907	January, 1911	Campbell
Hadra, Berthold E.	San Antonio.	Jan. 18, 1883	November 21, 1885	Ireland
Harrell, David	Austin.	May 6, 1914	January, 1917	Colquitt
Harwood, Thomas W.	Gonzales.	Oct. 21, 1881	January, 1895	Roberts
Henderson, Thomas S.	Cameron.	Jan. 21, 1895	January, 1911	Culberson
Henry, Will T.	Dallas.	Nov. 19, 1909	January, 1911	Campbell
Hogg, Will O.	Houston.	Aug. 22, 1913	January, 1917	Colquitt
Hubbard, Richard B.	Tyler.	April 11, 1881	March 15, 1882	Roberts
Johnson, W. A.	Memphis.	Oct. 2, 1909	January, 1911	Campbell
Jones, James H.	Henderson.	April 13, 1882	Date not recorded.	Roberts
Jones, Samuel J.	Salado.	Feb. 3, 1915	Resigned, Oct. 11, 1917	Ferguson
Kelley, C. E.	El Paso.	Mar. 19, 1917	Regent now.	Ferguson
Kemp, Joseph A.	Wichita Falls.	Oct. 11, 1917	Regent now.	Hobby
Kieberg, Marcellus B.	Galveston.	Dec. 4, 1905	January, 1907	Lanham
Lanham, Samuel W. T.	Weatherford.	Sept. 13, 1907	Died July 29, 1908.	Campbell
Lawrence, David H.	El Paso.		Senate refused confirmation, Feb. 27, 1917.	Ferguson
Littlefield, George W.	Austin.	Jan. 19, 1911	Regent now.	Colquitt
Love, William G.	Houston.	June 1, 1917	Senate refused confirmation, August 28, 1917.	Ferguson
Marsh, Henry B.	Tyler.	Jan. 31, 1901	January, 1903	Sayers
Marx, M.	Galveston.	Jan. 25, 1907	Died, 1909.	Campbell
Mathis, John M.	Brenham.	May 30, 1917	Resigned unconfirmed.	Ferguson
McKinney, Andrew Todd	Huntsville.	May 27, 1882	January 9, 1883	Roberts
McLaughlin, James W.	Austin.	Jan. 25, 1907	Died Nov. 13, 1909.	Campbell
McReynolds, Geo. S.	Temple.	Dec. 11, 1914	May 31, 1917	Colquitt
Ousley, Clarence	Fort Worth.	Jan. 19, 1911	August 15, 1914.	Colquitt
Prather, William L.	Waco.	Feb. 7, 1887	November 8, 1899.	Ross
Pressler, James M.	Comanche.	Jan. 25, 1907	September 12, 1907	Campbell
Ragsdale, Smith	Weatherford.	April 1, 1881	July 1, 1882	Roberts
Rose, A. J.	Salado.	Jan. 17, 1887	Date not recorded.	Ross
Sanger, Alex.	Dallas.	Jan. 19, 1911	January, 1917	Colquitt
Sealy, John	Galveston.	Sept. 3, 1917	Regent now.	Hobby
Sayers, Joseph D.	Austin.	Feb. 10, 1913	August 21, 1913	Colquitt
Shepherd, Seth	Dallas.	Aug. 11, 1883	January, 1891	Ireland
Simkins, Eldred J.	Corsicana.	Aug. 7, 1883	January 17, 1893	Roberts
Smith, Ashbel	Houston.	April 1, 1881	Died January, 1886.	Roberts
Smith, R. Waverley	Galveston.	May 27, 1903	December 1, 1905	Lanham
Spencer, Frank M.	Galveston.	May 11, 1898	April, 1903	Culberson
Stark, William H.	Orange.	Jan. 19, 1911	January, 1915	Colquitt
Starr, Amory R.	Marshall.	Aug. 1, 1893	April, 1895	Hogg
Stedman, N. Alex.	Austin.	Mar. 27, 1911	November 21, 1912	Colquitt
Steiner, Ralph	Austin.	Oct. 11, 1917	Regent now.	Hobby
Terrell, Alexander W.	Austin.	Jan. 29, 1909	January, 1911	Campbell
Thompson, Thomas C.	Galveston.	Feb. 2, 1887	Died April 17, 1891	Ross
Throckmorton, James V.	McKinney.	April 1, 1881	October 21, 1881	Roberts
Todd, George T.	Jefferson.	July 7, 1883	August 1, 1893	Ireland
Tucker, James P.	Galveston.	May 29, 1917	Resigned unconfirmed.	Ferguson
Ward, John L.	Temple.	June 10, 1917	Senate refused confirmation, August 28, 1917.	Ferguson
Wooten, Thomas D.	Austin.	Nov. 14, 1881	July 28, 1899	Roberts

**Secretaries of the Board of Regents**

**A. N. Edwards**, November 15, 1881 to April 10, 1882.

**Smith Ragsdale**, pro tem., May 10-12, 1882.

**A. P. Wooldridge**, August 17, 1882 to September 10, 1894.

**John J. Lane**, December 4, 1894 to June 16, 1897.

**James B. Clark**, June 16, 1897 to December 7, 1908.

**Edward J. Mathews**, January 19, 1909 to ———.

#### ERRATA

On pages 87, 89, 90, 101, 110, 116, 124, 131, 135, 136, 143, 159, 163, 169, S. G. A., Vol. 2, should be inserted in the date and reference headings.

Page 177, S. B. 280, by Mr. Spann. The bill itself, in the office of the Secretary of State has H. L. Spain written on it but there was neither a Spann nor a Spain in the Senate.

Page 187, O. B. 46. By Mr. Marshall.

Page 215. H. B. —. By Mr. Stuart of Falls.

# INDEX

## I. Subjects

The index of subjects represents an attempt at a classification of the material rather than a mere guide to the occurrence of certain words. For example, a mere passing reference by name to the Regents, is not indexed, whereas a reference of consequence to the Regents is indexed under "Regents" although that word may not there be used in referring to them. This has resulted in an index containing comparatively many references to a few topics, rather than a few references to many topics.

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